

**WORK SESSION:** A work session will be held at 6:00 p.m. in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. The work session will be discussion with the Haws Group regarding low income housing and to answer any questions the City Council may have on agenda items. The public is welcome to attend.

## **FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA**

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, February 5, 2019, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

*Meetings of the City Council of Farmington City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.*

The agenda for the meeting shall be as follows:

### **CALL TO ORDER:**

7:00 Roll Call (Opening Comments/Invocation) Pledge of Allegiance

### **PUBLIC HEARINGS:**

7:05 North Cottonwood Schematic and Preliminary PUD Master Plan  
(located directly north of State Street and south of the Lagoon RV Park)

7:25 East Park Lane Phase II Rezone and Schematic Plan (located north of the north end  
of Lagoon Drive and west of Main Street at approximately 900 North)

### **SUMMARY ACTION:**

*(Items listed are considered routine in nature and will be voted on in mass unless pulled for separate discussion)*

7:45 Minute Motion Approving Summary Action List

1. Approval of Minutes from January 22, 2019
2. Ordinance Amending Title 10-2-070 to Adopt the 2017 National Electrical Code
3. Estimate with Marsh Construction for Concrete for the City Hall Parking Lot Project
4. Resolution Amending the Consolidated Fee Schedule related to Baseball and Softball Fees

## **GOVERNING BODY REPORTS:**

7:50 City Manager Report

1. Fire Monthly Activity Report for December

7:55 Mayor Talbot & City Council Reports

## **ADJOURN**

## **CLOSED SESSION**

Minute motion adjourning to closed session, if necessary, for reasons permitted by law.

DATED this 31st day of January, 2019.

## **FARMINGTON CITY CORPORATION**

By: \_\_\_\_\_  
Holly Gadd, City Recorder

**\*PLEASE NOTE:** Times listed for each agenda item are estimates only and should not be construed to be binding on the City Council.

*In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting, should notify Holly Gadd, City Recorder, 451-2383 x 205, at least 24 hours prior to the meeting.*

CITY COUNCIL AGENDA

For Council Meeting:  
February 5, 2019

**S U B J E C T: Roll Call (Opening Comments/Invocation) Pledge of Allegiance**

It is request that City Councilmember Cory Ritz give the invocation to the meeting and it is requested that City Councilmember Doug Anderson lead the audience in the Pledge of Allegiance.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

## CITY COUNCIL AGENDA

For Council Meeting:  
February 5, 2019

**PUBLIC HEARING: North Cottonwood Schematic and Preliminary PUD Master Plan**  
(located directly north of State Street and south of the Lagoon RV Park)

### ACTION TO BE CONSIDERED:

1. Hold Public Hearing.
2. See enclosed staff report for recommendation.

### GENERAL INFORMATION:

See enclosed staff report prepared by Meagan Booth, City Planner.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



# FARMINGTON CITY

H. JAMES TALBOT  
MAYOR

BRETT ANDERSON  
DOUG ANDERSON  
ALEX LEEMAN  
CORY RITZ  
REBECCA WAYMENT  
CITY COUNCIL

SHANE PACE  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: Meagan Booth, City Planner

Date: February 5, 2019

SUBJECT: **NORTH COTTONWOOD SCHEMATIC PLAN & PUD MASTER PLAN**  
Applicant: Craig North, File #: (S-27-18)

### RECOMMENDATIONS

1. Hold a Public Hearing,
- and
2. Move that the City Council approve the schematic plan (Alternative #4) and Preliminary (PUD) Master Plan for the North Cottonwood Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:
  1. The applicant should present findings from consultation with the Historic Preservation Commission at Preliminary Plat.
  2. The applicant must address all DRC Comments on the Preliminary Plat.
  3. The applicant must present general location and size of dwelling units and structures in the Planned Unit Development.
  4. The applicant must show the flood plain on the Preliminary Plat and obtain a Davis County Flood Control Permit.
  5. 50 North Street must stub to the east boundary of the project.
  6. Restripe 400 west as approved by the City's Transportation Engineer.
  7. The applicant will meet all design guidelines for for the Original Townsite Residential zone.
  8. The applicant must install sidewalk and a park strip on the north side of 50 North Street.
  9. The applicant must submit a landscaping plan prior to Preliminary Plat

### Findings:

1. The proposed subdivision conforms to all of the development standards as set forth in the Farmington City Subdivision and Zoning Ordinances.
2. The proposed Schematic Plan accesses the site from 400 West addressing the public's concern about State Street access and the City's Transportation Engineer provided a recommendation regarding restriping.
3. The proposed plans are consistent with the General Plan and underlying zone.
4. The site is located in the Clark Lane Historic Landmark District and as such each future lot owner must receive a certificate of appropriateness prior to receiving a building

permit for any home or structure within the subdivision. This is in addition to the PUD and OTR Requirements.

5. A successful project will better enable the Clark Family to preserve the historic family home at 368 W State Street.
6. Preservation of the Clark Home will provide a way for the developer to meet the open space requirements of the PUD zone, which in turn gives greater flexibility for lot sizes, building setbacks and lot widths for a better development on 50 North street

#### Additional Findings by Staff:

7. The applicant met with the Historic Preservation Commission on January 18, 2019 and again on Thursday, January 24, 2019. No specific recommendation was given to the applicant. Therefore, staff is recommending the applicant present findings from the Historic Preservation Commission at Preliminary Plat.
8. The applicant will meet all design guidelines for the Original Townsite Residential Zone.
9. The applicant must submit a landscaping plan prior to Preliminary Plat

#### **BACKGROUND:**

The applicant desires to develop 4.95 acres of property located directly north of State Street and south of the Lagoon RV Park & Campground in the OTR Zone. On January 10, 2019 the developer presented his yield plan (Alternative 1), schematic plan (Alternative 2) and Alternative 3 to the Planning Commission. A motion was made to table the item to allow time for the applicant to consolidate ideas and consult with the Historic Preservation Commission. The discussion included maintaining historic State Street, proximity to Lagoon, and receiving public comment regarding proximity of new lots to existing homes.

Additionally, the applicant is also proposing a PUD, to allow flexibility in lot size, lot dimensions and setbacks. As part of the PUD process, the applicant submitted possible building elevations, even though, new Construction Design Guidelines are already required in the OTR zone pursuant to section 11-17-040 of the Zoning Ordinance.

The applicant returned to the Planning Commission on January 24, 2019 and presented a revised plan (Alternative 4) with 15 lots. This alternative incorporates changes due to public comment from the applicant's original proposal accessing the site from 400 West and not State Street, leaving historic State Street unaltered. The Planning Commission unanimously approved the schematic plan (Alternative 4) and preliminary PUD master plan for the North Cottonwood Subdivision at the January 24<sup>th</sup> meeting.

The applicant Craig North is also requesting the City Council modify the City's Standard Cross Section for his proposed 50 North Street by waiving the sidewalk on the north side of the right of way. However, the Planning Commission recommended installation of sidewalk on the north side of the street (50 North Street)

#### **Supplemental Information**

1. Vicinity Map
2. Schematic Plan & PUD Master Plan (Alternative 1,2,3,4)
3. Building Elevations
4. Title 12 Chapter 8 Section 100 – Administrative review for Public Improvements
5. Written Public Comments Received by the Planning Commission

**Applicable Ordinances**

1. Title 12, Chapter 6 – Major Subdivisions
2. Title 12, Chapter 7 – General Requirements for All Subdivisions
3. Title 11, Chapter 27 – Planned Unit Developments (PUD)
4. Title 11, Chapter 17 – Original Townsite Residential Zone (OTR)
5. Title 12 Chapter 6 Section 100 – Administrative Review for Public Improvements

Respectfully Submitted

*Meagan Booth*

Meagan Booth  
Associate City Planner

Review and Concur

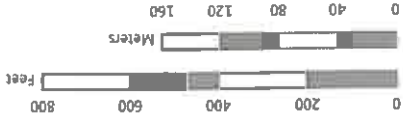
*Shane E. Pace*

Shane Pace  
City Manager

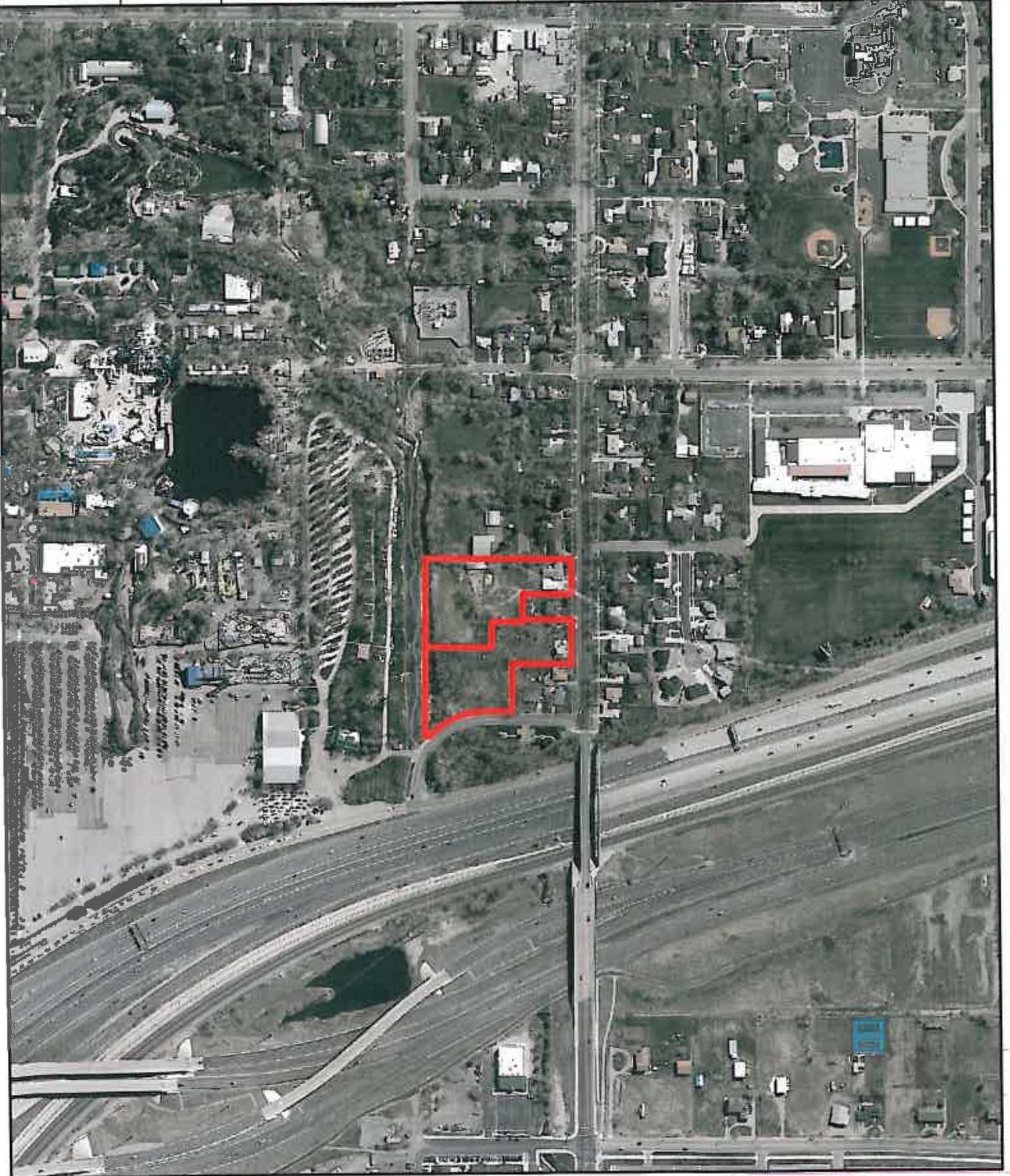




# VICINITY MAP 1-10-2019 ITEM 3



Disclaimer: This map was produced by Farmington City GIS and is for reference only. The information contained on this map is believed to be accurate and suitable for limited use. Farmington City makes no warranty as to the accuracy of the information conveyed for any other purposes.



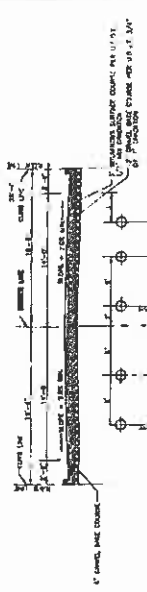







North Cottonwood Creek Subdivision  
Part of Section 24, T2N, R12E, S15W, M2SW  
Bismarck, MT. Deed Record 15444

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[illegible][illegible]

**STREET SECTION (35 N.O.W.)**

### BOUNDARY DESCRIPTION

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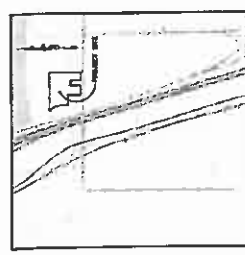
## CURVE TABLE

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**Developer.**  
Craig North  
6161 S 1370 E  
South Ogden, UT  
(801) 452-3299

# North Cottonwood Creek Subdivision

**Purification City, Davis County, Utah**



### Site information

[illegible]

**VARIANCE FOR LOT SELECTION**

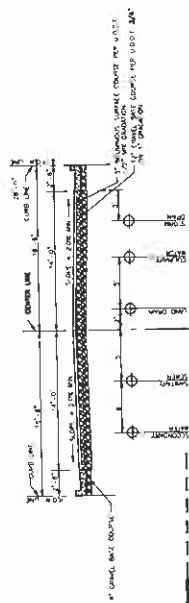
[illegible]**NOTES**

These comments are not intended to be a criticism of the work of the Commission. The Commission has done a great deal of work in the past and it is to be hoped that it will continue to do so in the future.

**Wetzel**

- [illegible]









David Petersen <dpetersen@farmington.utah.gov>

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## 400 West Double Yellow

2 messages

Tim Taylor <ttaylor@wcecengineers.com>  
To: David Petersen <dpetersen@farmington.utah.gov>

Wed, Jan 23, 2019 at 10:36 AM

Dave,

Per state law/code 41-6a-801(2)c, The operator of a vehicle can legally make a left turn across a solid double yellow line pavement marking indicating a two-direction, no-passing zone.

You see this all along on 200 E where you have business and residential accesses. They're all able to make left-turns into/out of their driveways across the double yellow line. However, it's general practice when there's an intersection street (more significant connections) to create a break in the double yellow line (For example at 100 S, 200 S, 350 S, 450 S, 550 S, 600 S, etc).

If a new road were to connect to 400 W, as you've indicated, I'd recommend that the double yellow line be removed directly in front of the intersection road.

I hope this is helpful.

Thanks,  
Tim



Tim Taylor I **PE, PTOE**  
9980 S 300 W Ste 200 Sandy, UT 84070  
ttaylor@wcecengineers.com  
801.884.9166

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David Petersen <dpetersen@farmington.utah.gov>  
To: Tim Taylor <ttaylor@wcecengineers.com>

Wed, Jan 23, 2019 at 11:03 AM

Great information. Thanks.



Farmington UTAH

Dave Petersen, AICP  
Community Development Director  
Office: 801.939.9211 Cell: 801.381.3575  
dpetersen@farmington.utah.gov

[Quoted text hidden]





375 North Lagoon Drive  
P.O. Box 696  
Farmington, UT 84025-0696  
Phone: 801-451-8000  
Fax: 801-451-8015  
www.lagoonpark.com

January 10, 2019

Kent Hinckley, Planning Commission Chairman  
Farmington City Corporation  
160 South Main Street  
Farmington, UT 84025

Dear Planning Commission:

This letter is written in regard to the request for a recommendation for Preliminary (PUD) Master Plan and/or schematic plan approval for the proposed North Cottonwood Creek Subdivision consisting of 16 lots on 5 acres, the access for which originates on 400 West. We have a number of concerns with regard to this proposed subdivision.

Throughout Lagoon's recent history, we have been required to provide and maintain buffer areas setting Park operations away from residential development. We have always questioned if it is important for Lagoon to move away from residential development, why would the City permit residential development to move closer to the Park. We are concerned that if homes are allowed to be constructed on the property, they be built with proper mitigation such as sound insulation, increased landscaping, sound attenuating windows and window coverings, thoughtful building placement and face, etc. to soften potential impacts. Sixteen residential lots on approximately five acres reduces available real estate to buffer homes adjacent to Lagoon.

Other developers wanting approval for residential development closer to Lagoon have been required to notify buyers, in writing, that they are building next to an amusement park which, at certain times of the year, may be noticeable, with people having fun and expressing their delight, light, noise, etc. in close proximity.

The access to the subdivision proposed at 400 West is a huge concern for both safety and viability. In obtaining approvals for Lagoon's Campground store and restaurant, this was such a concern for the Planning Commission that Lagoon was required to separate the entrance and exit (entrance on Lagoon Drive; exit on 400 West), and make the 400 West access restricted to one-way traffic only. This was decades ago, and with the advent of Station Park and other growth in the area, the traffic on 400 West has increased exponentially. This is, at times, guaranteed to produce delays and bottlenecks in accessing either State Street or Lagoon Drive. If some access is permitted, as was required of Lagoon, the option should be for only one-way traffic.

Thank you for the good work and service of the Planning Commission toward making a better Farmington. We appreciate your consideration of our comments.

Sincerely,

David W. Freed  
Lagoon Corporation

DWF:jc

COPY TO:

Connie Deianni  
Roger Child

Russ Workman  
Rulon Homer

Amy Shumway  
Shawn Beus

To: Farmington City Planning Commissioners  
cc: David Petersen, Shane Pace

Farmington City Offices  
160 South Main Street  
Farmington, Utah 84025

January 9, 2019

Dear Planning Commissioners,

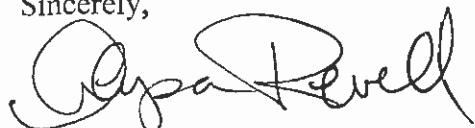
I am writing to provide input on the proposed North Cottonwood Creek subdivision located on the north side of west State Street. As it affects my own neighborhood and the city's only Landmarked historic district, I feel the responsibility to point out that one crucial step appears to have been overlooked in this process so far. The Planning Commission meeting packet for 1-10-19 correctly states that the land in question lies within both the Original Townsite Residential Zone (OTR Zone) and Clark Lane National Historic District. What is absent from the packet, however, is the equally important information that this District was also designated as a Farmington City Historic Landmark in 2009.

Landmark designation has real, legal obligations above and beyond regular zoning requirements. Any project within this area requiring a building permit is subject to review by the Farmington Historic Preservation Commission and must receive a certificate of historic appropriateness prior to the issuance of a building permit. This affects you as part of the Planning Commission's duty is to ensure all guidelines and ordinances pertaining to this sensitive area be strictly followed. Please refer to City Code 11-39-050 for additional information and guidelines.

At this time, neither the Preservation Commission nor all affected residents of the Clark Lane Historic District have been notified of the proposed development. The Planning Office's recommendation to table the request should be followed, until Mr. North has had a chance to meet with the Preservation Commission and neighborhood representatives.

Thank you for your service to our beloved community!  
I am happy to provide assistance or further information at any time.

Sincerely,



Alysa Revell  
Resident, Clark Lane Historic District, 1998-present  
Preservation Commissioner, 2000-2016  
208 West State Street, Farmington, UT 84025  
alysa\_revell@yahoo.com / 801-644-6165

Jan. 10, 2019

**Dear Farmington Planning Commissioners,**

We would like you to consider some issues concerning the proposed development at approximately 35 North and 400 West. While we are always happy to have new residential neighbors, we have concerns, especially about where the access road to the development would be.

**Traffic woes.** We have lived on State Street for more than 30 years. Our driveway is on 300 West. Since Station Park came along, it is all but impossible to turn left from 300 West at certain times of the day. We give up, turn right and then turn around at Fadel's. Placing the new access road from State Street would not only be as frustrating for the new residents as it is for us, it would be more dangerous, as now motorists on both 300 West and the new road would be trying to turn onto State. The potential for disaster is great. The problem cannot be solved by a traffic light, since the new road and 300 West would not be across from one another to create an intersection.

**Bike path.** There is a bike path along State Street which would become less safe with each new traffic access point to State Street.

**Current homeowners.** Putting the access road to flow onto State Street would disrupt the peace of current residents, who would now have a second road running past their houses. This seems unreasonable when a viable alternative is available.

**Convenience for our new neighbors.** If the new access road were to come out on 400 West, it would be easy for the new residents to access the freeway going both directions: South via Frontage Road and north via Lagoon Drive/Park Lane.

**Lagoon Trail.** We are confident city leaders would not want to disrupt a trail they should be so proud of, but wanted to mention it anyway. Keeping it as rustic as possible (i.e. trees) would be a bonus to the new residents as well as those of us who already love it.

Thank you for your time, consideration and community service.

Sincerely,

The block contains two handwritten signatures in black ink. The first signature, on the left, reads "David A Barney" in a cursive script. The second signature, on the right, reads "Peggy Boss Barney" in a similar cursive script.

David Barney and Peggy Boss Barney  
291 W. State St., 801-451-0644









ARK

alDesigns.com

## CITY COUNCIL AGENDA

For Council Meeting:  
February 5, 2019

**PUBLIC HEARING:** East Park Lane Phase II Rezone and Schematic Plan (located north of the north end of Lagoon Drive and west of Main Street at approximately 900 North)

### ACTION TO BE CONSIDERED:

1. Hold Public Hearing.
2. See enclosed staff report for recommendation.

### GENERAL INFORMATION:

See enclosed staff report prepared by David Petersen, Community Development Director.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



# FARMINGTON CITY

H. JAMES TALBOT  
MAYOR

BRETT ANDERSON  
DOUG ANDERSON  
ALEX LEEMAN  
CORY RITZ  
REBECCA WAYMENT  
CITY COUNCIL

SHANE PACE  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: David E. Petersen, Community Development Director

Date: January 8, 2019

SUBJECT: **East Park Lane Phase II–Rezone and Schematic Plan**  
Applicant: Phil Holland/Wright Development Group (Z-10-18 and S-26-18)

### RECOMMENDATION

Move that the City Council adopt the recommendation of the Planning Commission and approve the enclosed ordinance to re-zone property (up to 17.72 acres located north of the north end of Lagoon Drive (north of Park Lane) and west of Main Street at approximately 900 North) from A (Agriculture), LS (Large Suburban), and LR (Large Residential) to R (Residential) on the north and east of side of Lagoon Drive, and CMU (Commercial Mixed Use) on the west side, and arrange a TDR (Transfer of Development rights) to transfer the residential density from the west to the east side of Lagoon drive regarding the proposed subdivision, and approve the schematic plan related thereto.

#### Findings:

1. The rezone request is consistent with the 2004 General Lane Use Plan map.
2. The request is consistent with the sub-area master plan adopted by the City in 2018.
3. The applicant did not request the CMU zone for the entire project, but instead petitioned for the LR zone on some of the area. Moreover, the Planning Commission further recommended no CMU zone east of Lagoon Drive and a TDR shifting residential density from one side of the major collector to the other. This places a legislative threshold on this phase of the project ensuring that the applicant's densities and layout are consistent with the master plan even though a CMU zone designation on the entire area would have dictated a possible higher residential density otherwise.
4. Un-like what is shown on the master plan, the applicant is pulling back CMU type uses from Main Street meeting a commitment he made to the City, and he is willing to explore other low density residential designations on the east border of his project such as the OTR zone.
5. The developer's schematic plan does not provide direct access from Lagoon Drive to Main Street, which some may view as a positive attribute of the plan.

### BACKGROUND

In July of 2004 the City Council designated an area north of Park Lane and east of US 89 CMU (Commercial Mixed Use) and the CMU Chapter of the Zoning Ordinance (Chap. 19) was approved on

December 1, 2004 (see attached General Land Use Plan map). Approximately 14 years later, on April 18, 2018, the Council approved a more specific plan (or sub-area master plan) for the area as an element of its General Plan, which constituted an amendment (or refinement) to 2004 designation. Notwithstanding the foregoing, a note on the General Land Use Plan map states: "Accompanying Text provides greater information for each area which supersedes this map".

On January 10, 2019, in conjunction with a public hearing, the Planning Commission reviewed the attached "Decision Tree" and thereafter approved the motion herein set forth above for City Council consideration.

Supplemental Information

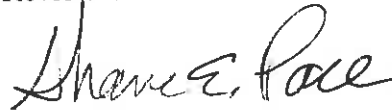
1. Vicinity Map
2. Planning Commission "Decision Tree"
3. Plans/Illustrations by applicant
  - a. Vicinity Map
  - b. Yield Plan
  - c. Schematic Plan
4. General Land Use Plan map
5. Small Area Master Plan
6. Existing City Zoning Map
7. Enabling Ordinance.
8. Planning Commission Minutes—January 10, 2019
9. Written public comments received by the Planning Commission.

Respectively Submitted



David Petersen  
Community Development Director

Review and Concur



Shane Pace  
City Manager



# Farmington City Information

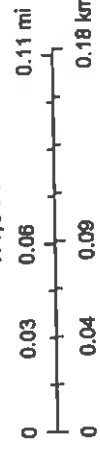


1/4/2019, 9:55:13 AM

 Farmington City Boundary

 Parcels

1:4,514



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus  
Farmington City  
USDA FSA I



## PLANNING COMMISSION DECISION TREE

January 10, 2019

In an effort to guide the decision process related to the applicants request, the following questions or motions are set forth below for Planning Commission consideration:

**A.** Regarding the area designated CMU on the General Land Use Plan map, the text of the General Plan states:

Specific to the designation of the Commercial Mixed Use (CMU) land uses north of Park Lane and east of Highway 89, the following recommendations will be considered:

- a) Protecting the low-density residential character of/along Main Street.
- b) Encouraging non-residential land uses and development immediately north of Park Lane.
- c) Allowing CMU-type land uses along both sides of the Lagoon Drive northern extension. (The final alignment of this road is still pending. Following identification of a final corridor, the Future Land Use Plan Map will be amended accordingly).

**QUESTION:** Is the proposed zone change consistent with the small, or sub-area, master plan adopted by the City for this area?

**YES**

Findings:

- 1. The rezone request is consistent with the 2004 General Land Use Plan map.
- 2. The request is consistent with the sub-area master plan adopted by the City in 2018.
- 3. The applicant did not request the CMU zone for his entire project, but instead petitioned for the LR zone on some of the area. This places a legislative threshold on this phase of the project ensuring that his densities and layout are consistent with the master plan even though a CMU zone designation on the entire area would have dictated a possible higher residential density otherwise.
- 4. Un-like what is shown on the master plan, the applicant is pulling back CMU type uses from Main Street meeting a commitment he made to the City, and is he willing to explore other low density residential designations on the east border of his project (See B” below).
- 5. The developer’s schematic does not provide direct access from Lagoon Drive to Main Street, which some may view as a positive attribute of the plan.
- 6. Other . . . .

Motion:

Table a rezone recommendation to the City until issues related to the schematic plan are adequately addressed by the Planning Commission (see C below).

## No

### Findings:

1. Even though the following motion may not be consistent with the General Plan and sub-area master plan (or it may), more area is needed to create a lower density neighborhood.
2. Other . . . .

### Motion:

Recommend that the City Council not rezone the areas as requested.

## **B. OTR Zone**

Several weeks ago, upon the recommendation of the Farmington City Historic Preservation Commission, City staff met with property owners about the possibility of rezoning both sides of Main Street (SR 106) from LR to OTR (Original Townsite Residential). This may, or may not be eventually acceptable to the property owners. It is anticipated that neighborhood meetings will resume soon to further discuss the proposal. The applicant for the East Park Lane project, Phil Holland referenced above, expressed a willingness to be part of this process, and thus far, supports the concept of the City rezoning his property to OTR as shown on his schematic plan adjacent to Main Street.

## **C. Schematic Plan**

The applicant prepared a yield plan whereby attached dwellings are shown in the proposed CMU zone area and low density residential lots are shown in the LR zone area.

**QUESTIONS/MOTIONS:** Is the proposed zone change consistent with the small, or sub-area, master plan adopted by the City for this area?

### C1 Blend the LR and CMU densities as shown on the plan?

#### Findings:

1. All detached single family housing on smaller lots may be consistent with the Master Plan, which plan calls for attached housing elsewhere in the project.
2. The blend may foster more home ownership, and a dwelling type for a growing demographic in Farmington wishing to downsize, and/or provide possible obtainable housing for those interested in buying their second home.
3. Other . . . .

### C2 Don't blend the LR and CMU densities as shown on the plan?

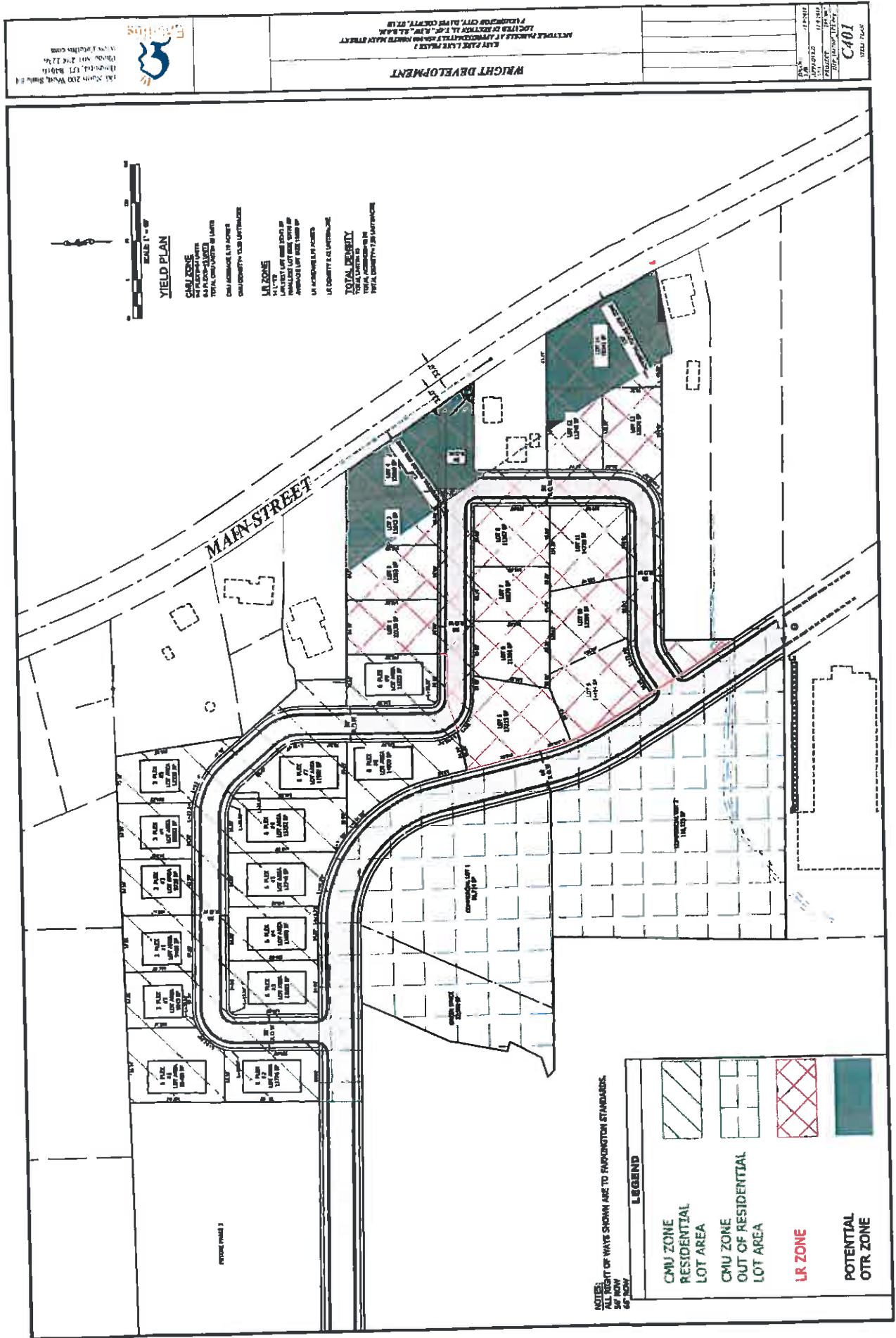
#### Findings:

1. The attached units are likely to foster a potential for rental or even more obtainable owner occupied housing to allow younger native Farmington cohorts to stay in Farmington.
2. It may provide a better transition from detached single family to CMU uses to the west.
3. Other . . . .

- C3** Table a decision regarding C1 and C2 until the applicant provides building elevations and a better understanding of how the dwellings will sit on the site and/or the lots, and until a public hearing is scheduled to consider a Preliminary (PUD) Master Plan, including among other things, said building elevations and specific details regarding the schematic plan.







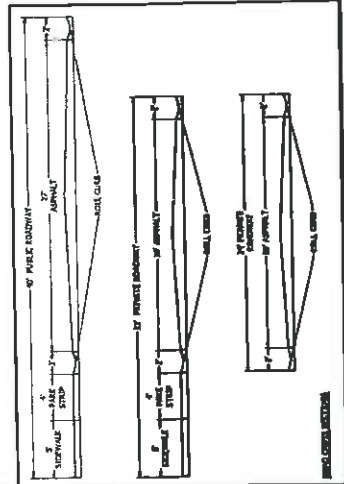
Yield Plan



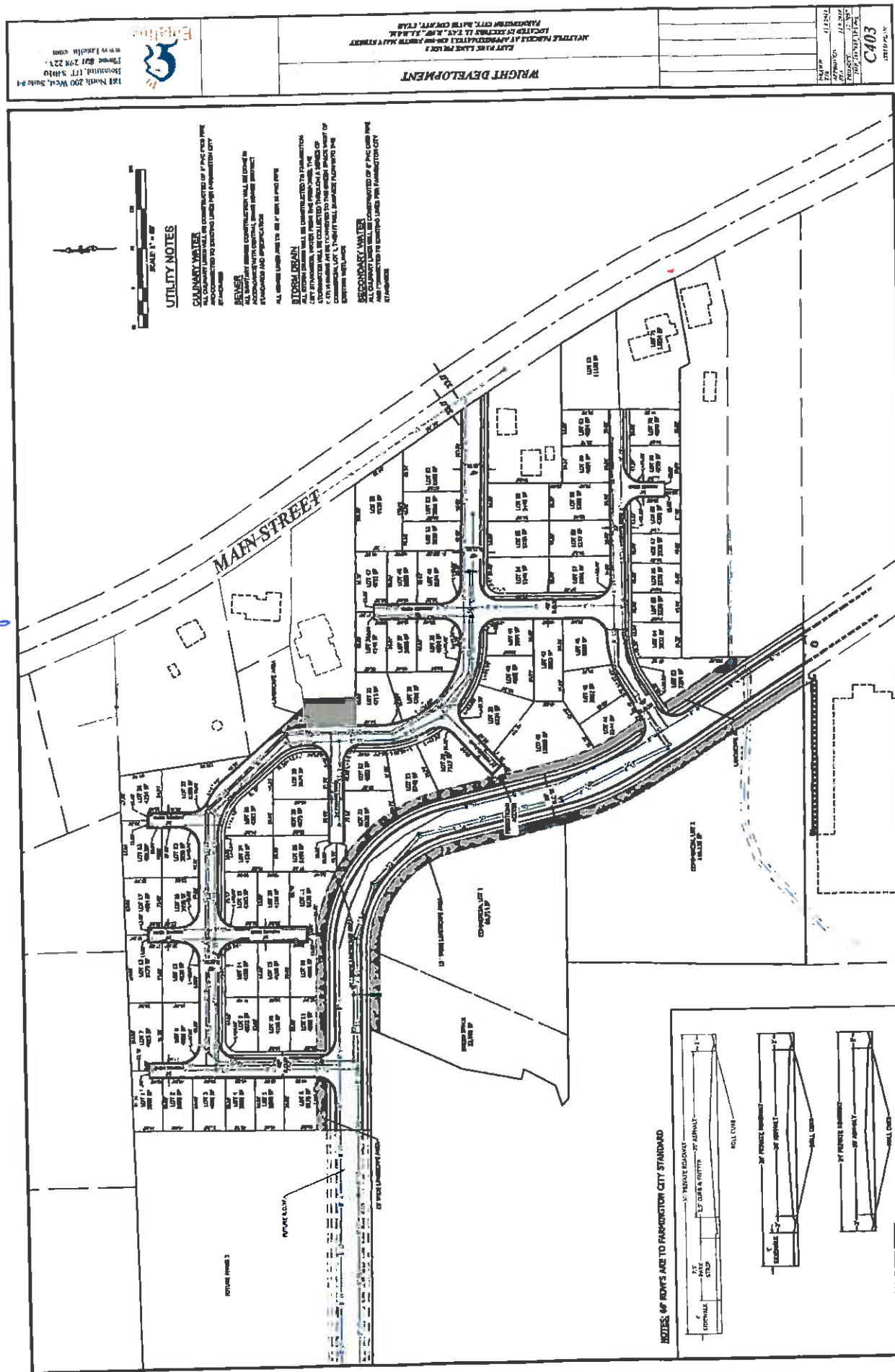


[illegible]

LEGEND	
	CMU ZONE RESIDENTIAL LOT AREA
	CMU ZONE OUT OF RESIDENTIAL LOT AREA
	LR ZONE
	POTENTIAL OTR ZONE



Schematic Plan 2 of 3



[illegible]

The image contains three diagrams of a rectangular structure, possibly a container or a piece of equipment, with various labels and dimensions. The diagrams are oriented vertically.

**Top Diagram:** A rectangle with a horizontal line across the middle. Labels include "1000MM" on the left side, "1000MM" on the right side, "1000MM" at the bottom, and "1000MM" at the top. A vertical line on the right side is labeled "1000MM".

**Middle Diagram:** A rectangle with a horizontal line across the middle. Labels include "1000MM" on the left side, "1000MM" on the right side, "1000MM" at the bottom, and "1000MM" at the top. A vertical line on the right side is labeled "1000MM".

**Bottom Diagram:** A rectangle with a horizontal line across the middle. Labels include "1000MM" on the left side, "1000MM" on the right side, "1000MM" at the bottom, and "1000MM" at the top. A vertical line on the right side is labeled "1000MM".





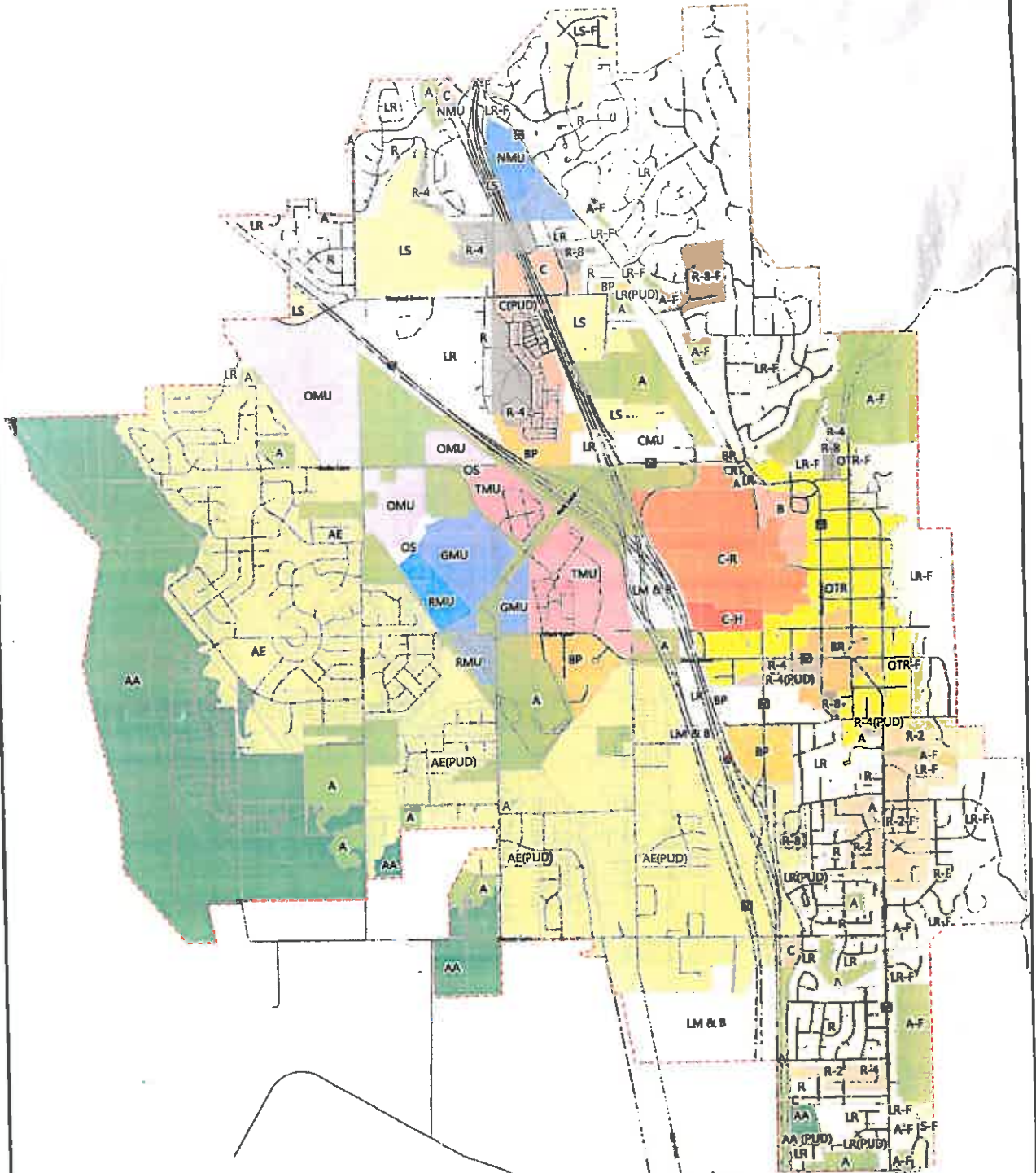
GREAT  
SALT LAKE

Date: 11/13/2012









- |                                      |                                       |
|--------------------------------------|---------------------------------------|
| AA: Agricultural Very Low Density    | BP: Business Park                     |
| A: Agriculture                       | BR: Business Residential              |
| AE: Agricultural Estates             | C: Commercial                         |
| LR: Large Residential                | C-H: Commercial Highway               |
| LS: Large Suburban                   | C-R: Commercial Recreation            |
| R: Residential                       | CTR: Commercial Recreation Transition |
| S: Suburban                          | TMU: Transit Mixed Use                |
| R-2: Multiple Family Residential     | RMU: Residential Mixed Use            |
| R-4: Multiple Family Residential     | GMU: General Mixed Use                |
| R-8: Multiple Family Residential     | NMU: Neighborhood Mixed Use           |
| CTR: Original Townships Residential  | OMU: Commercial Mixed Use             |
| OS: Open Space                       | OMU: Office Mixed Use                 |
| LM&B: Light Manufacturing & Business |                                       |



## FARMINGTON CITY ZONING 2017



Disclaimer: This map was prepared by Farmington City and is for reference only. The information contained on this map is believed to be accurate and reliable, but the City does not warrant the accuracy of the information contained on this map.

**FARMINGTON, UTAH**

**ORDINANCE NO. 2019 -**

**AN ORDINANCE AMENDING THE ZONING MAP TO SHOW  
A CHANGE OF ZONE FOR PROPERTY LOCATED AT  
APPROXIMATELY 900 NORTH LAGOON DRIVE FROM A, LS,  
AND LR TO R AND CMU.**

**WHEREAS**, the Farmington City Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed zoning change pursuant to the Farmington City Zoning Ordinance and has found it to be consistent with the City's General Plan; and

**WHEREAS**, a public hearing before the City Council of Farmington City was held after being duly advertised as required by law; and

**WHEREAS**, the City Council of Farmington City finds that such zoning change should be made;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Farmington City, Utah:

**Section 1. Zoning Change.** The property described in Application # Z-10-18, filed by Phil Holland of the Wright Development Group located at approximately 900 North Lagoon Drive is hereby reclassified from zones A, LS, and LR to zones R and CMU, said property being more particularly illustrated on Exhibit "A" attached hereto.

**Section 2. Zoning Map Amendment.** The Farmington City Zoning Map shall be amended to show the change.

**Section 3. Effective Date.** This ordinance shall take effect immediately upon final passage by the City Council.

**DATED** this 5th day of February, 2019.

**FARMINGTON CITY**


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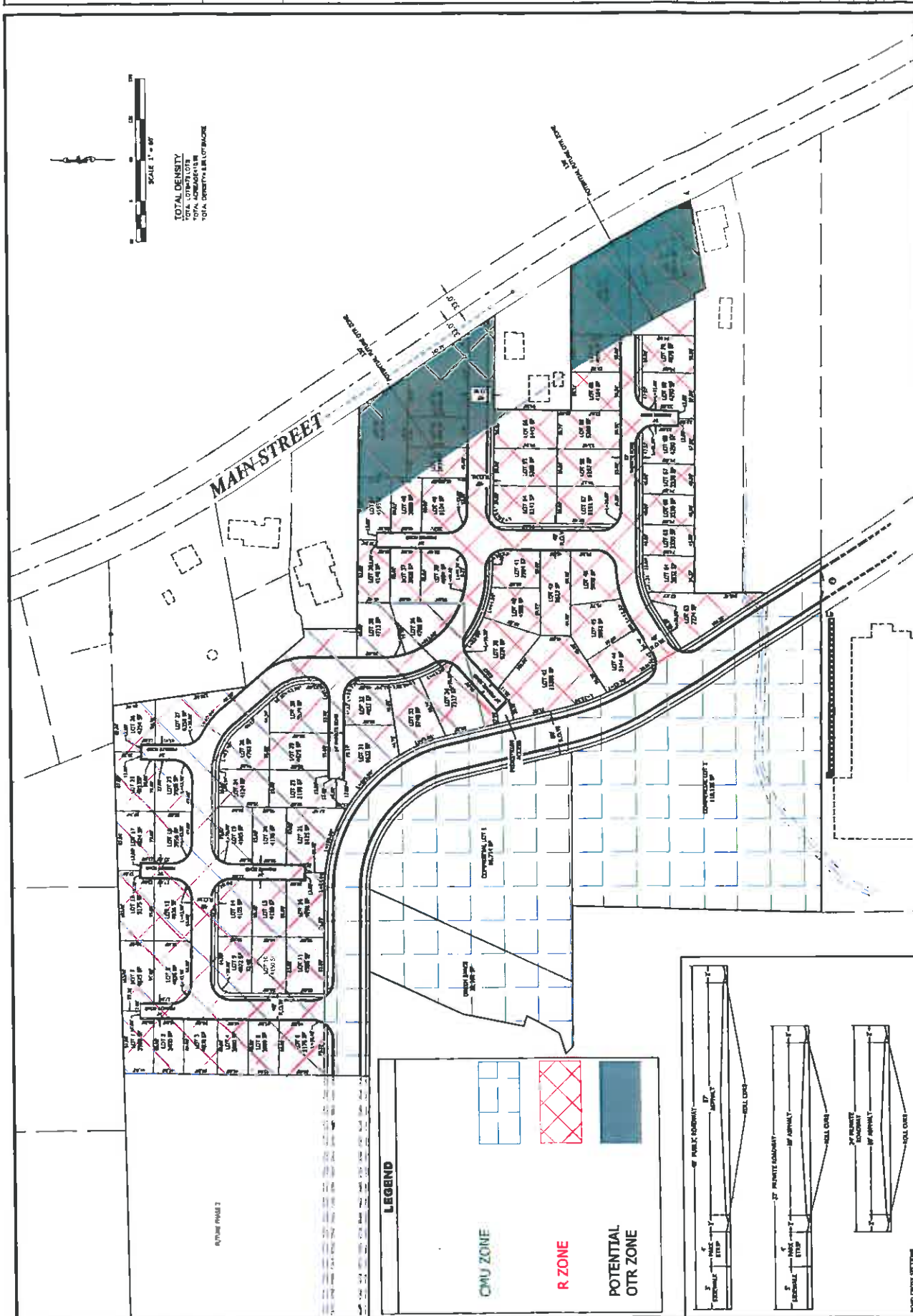
H. James Talbot  
Mayor

**ATTEST:**

---

Holly Gadd  
City Recorder

	<p>101 Fourth St. West, Suite 204          Birmingham, AL 35203          Phone: 205.298.2276          www.wrightdev.com</p>	<p>STAY FINE LANE PHASE 2          LOCATED IN SECTION 12, T4N, R1W, S34AM          PARKINGTON CITY, DADE COUNTY, FLORIDA</p>	<p>APPROVAL: 11-2012          PROJECT: 11-2012          DATE: 11-2012</p>	<p>11-2012          11-2012          11-2012</p>	<p>11-2012          11-2012          11-2012</p>	<p>11-2012          11-2012          11-2012</p>	<p>11-2012          11-2012          11-2012</p>	<p>11-2012          11-2012          11-2012</p>	<p>11-2012          11-2012          11-2012</p>
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**Farmington City  
Planning Commission  
January 10, 2019**

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*Study Session: Chair Connie Deianni, Commissioners Roger Child, Russ Workman, Amy Shumway, Rulon Homer, Shawn Beus, Community Development Director Dave Petersen, Associate Planner Meagan Booth and Recording Secretary Brittney Whitecar.*

David Petersen introduced the new Planning Commissioner, Greg Wall, as well as the new alternate Planning Commissioner Mike Plaizier.

**Item #3. Craig North (Public Hearing) - Applicant is requesting a recommendation for Preliminary (PUD) Master Plan and/or schematic plan approval for the proposed North Cottonwood Creek Subdivision consisting of 16 lots on 5.01 acres located at approximately 35 North 400 West in the OTR (Original Townsite Residential) zone. (S-27-18)**

Dave Petersen introduced the item. The developer has a plan, and an alternative plan and a third plan available to the public at this time with different lot sizes as well as State Street lots with 400 West access, vs State Street access without State Street lots. Dave said that the second plan that the developer has provided is a PUD (Planned Unit Development), so it is at the discretion of the Planning Commission and staff whether or not to approve. The developer is looking for input as to which option is preferred and is okay with tabling the item if needed.

**Item #4. Phil Holland/ Wright Development Group (Public Hearing)-Applicant is requesting a recommendation to rezone up to 17. 72 acres of property from A (Agriculture) and LS (Large Suburban) to CMU (Commercial Mixed Use) and LR (Large Residential) located north of the north end of Lagoon Drive (north of Park Lane) and west of Main Street at about 900 North and a recommendation for schematic plan approval for a 74 lot subdivision at the same location (Z-10-18 and S-26-18)**

Dave Petersen said this phase of the proposal encompasses 17 acres. The underlying zone is currently A (Agriculture) and LS (Large Residential). The Developer would like to rezone the property to CMU (Commercial Mixed Use) and LR (Large Residential) per the Sub-Area Master Plan to blend uses. Connie Deianni expressed concern with changing the zoning because CMU leaves the possibility of unforeseen development in the future should the proposed development not take place. Dave Petersen said the city is only dealing with 17 of the 85 total available acres right now and will go piece by piece.

This is adjacent to the possible Main Street OTR stretch and the developer has taken this into account and by retaining an LS (Large Suburban) area lining the back of the OTR zone. The developer provided Main Street access as required by the City Subdivision Ordinance because there is a huge stretch from State to Shepard with no West access, exceeding the 1,000 ft. block length ordinance.

**Dave Petersen** defined patio homes, which are multi-level single family homes of various sizes placed fairly close together, generally maintained under HOA's. Patio homes are part of the proposed plan, intended to be built in the proposed LR zone. The proposed CMU zone will encompass multi-family homes on the East side of the street, and commercial buildings on the west side of the street as shown on the Schematic Plan. The street is intended to be a natural separation between the residential and commercial sections of this development.

**Dave Petersen** explained the Main Street OTR stretch that the City has proposed to property owners. The possible OTR zone would include all the homes on Main Street from State Street up to Shepard Lane. This would stretch the OTR zone further north to include many historic homes. Dave said the first meeting between the City and the Main Street property owners took place in October, 2018 and seemed to be well received.

**Amy Shumway** expressed concern that the Schematic Plan shows no open space near the patio homes or multi-family homes. **Dave Petersen** said that the Sub-Area Master Plan doesn't necessarily require it, but open space may be provided in some of the other 80+ acres to be developed in the area.

**Item #5. Nick and Sonja Nielson (Public Hearing) - Applicant is requesting conditional use permit approval for a secondary dwelling unit within their home located at 843 South Snowberry Lane (925 West) in an AE (PUD) zone (C-11-18)**

No comments were made.

**Item #6. Miscellaneous, correspondence, - Oakridge Dental Traffic Study Report Results**

No Comments were made.

## **REGULAR SESSION**

**Connie Deianni** opened the meeting at 7:08 PM

**Dave Petersen** went over the City Council minutes from 1/8/19.

1. New Planning Commission Member Greg Wall and alternate Planning Commission member Mike Plaizier
2. 1525 W. Church Schematic Plan

Connie Deianni introduced new Planning Commission member, **Greg Wall**.

**Item #3. Craig North (Public Hearing) - Applicant is requesting a recommendation for Preliminary (PUD) Master Plan and/or schematic plan approval for the proposed North Cottonwood Creek Subdivision consisting of 16 lots on 5.01 acres located at approximately 35 North 400 West in the OTR (Original Townsite Residential) zone. (S-27-18)**



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**Dave Petersen** reviewed the staff report and said this is one section of a larger development. This item is 17 acres of an 85 acre whole. Dave reviewed the Yield Plan, which shows a thought-out blend of townhomes, single family homes, and commercial buildings. He reviewed the staff report to allow the Planning Commission to make informed decisions. In order to blend the densities, the applicant has to present a PUD (Planned Unit Development). **Dave Petersen** said that the text on the Sub-Area Master Plan is important to this development, as the developer has proposed his zone change to match it.

**Dave Petersen** read sections of a letter from **Dave Dixon** that said the current proposed development is much better than the developer's previous plan, which included an area of higher density housing with shared driveways. He said the small lots with patio homes, as shown on the current yield plan, may help provide much needed affordable housing.

**Dave Petersen** said there has been concern shown from citizens regarding including access from this subdivision into Main Street. Dave said that such access is consistent with the master plan because there are currently no West turns on Main Street from Park Lane all the way to Shepard Lane, which exceeds the maximum city block size of 1,000 feet.

**Phil Holland** 1178 Legacy Crossing Blvd. Centerville, UT said he presented to the Planning Commission in March of 2018 discussing the Sub-Area Master plan and the 2004 General Plan. The 2004 plan was why he modeled the development how he did. He had mentioned at the time some Farmington household statistics. Since that time there has been a major stir in Utah called the Gardner Business Review, which states that since 2010, Utah has only built  $\frac{3}{4}$  of the homes needed to meet population growth, creating a housing crisis. Phil mentioned that the Master Plan allows for CMU on the whole section, but he wants to be a responsible developer and add some diversity in the area. Phil said that he has experienced a lot of pushback from the public whenever developing in Farmington, but Phil sees the housing crisis and knows that the growing population needs places to live. Says he has really thought through this and tried to present a positive environment with this development. He said some of these will be private streets so they won't be very wide. Phil showed a sample of the single family homes they intend to create that currently exist in Park City. They intend to create a 15 ft. buffer along Lagoon Drive for landscaping. Phil says he has no opinion on the Main Street access, but it is part of the City's subdivision ordinance.

**Rulon Homer** asked how many square feet the patio homes would be. **Phil Holland** replied that they may range from 1800 sf to 4,000 sf.

**Greg Wall** asked what the road widths are. **Phil Holland** said they are on the plans and they range from 24 ft. to 66 ft. wide.

**Connie Deianni** opened the public hearing at 8:55 PM

**Howard Hess** 947 N. Main Street, Farmington, UT said that a commercial development and patio homes don't meet the character of the area and would like to see the home owners of Main Street have a say in what happens near their lots.

**Jay Hess** 921 N. Main Street, Farmington, UT said he would like to see this property developed properly. Thinks that drainage from Main Street could be an issue and brought up that there is a spring on this area.

**Eric Aston** 1033 N Main Street, Farmington, UT asked if a traffic study has been done and doesn't think it would be appropriate to re-zone without a traffic study. Appreciates a residential proposal vs a business use proposal and doesn't understand why the zone is not all being changed to residential if homes are going there. Expressed concern that he cannot see any sidewalks or open space on the plans. Said that 24' street easements are too small and believes the City should zone for the intended use.

**Inger Erickson** 1307 Meadowbrook Ct., Farmington, UT said that people become angry with their City government because they feel the city is disengaged. Asked that the Planning Commission make decisions through the various perspectives of the citizens. She said a developer doesn't take citizens into consideration or understand quality of life. Says the Planning Commission should meet the citizen's expectations.

**Lori Connover** 467 Quail Run Road, Farmington, UT said that a traffic study should be done and wants to make sure that the City re-zone's this land properly as not to leave the space open to unknown future uses. She wants to see large residential, and not commercial uses go into this area.

**Matthew Hess** 572 S. Woodland Hills Dr. Bountiful, UT is one of the landowners of this land. Said he and his brother have farmed this land for many years. Matthew says the farm equipment is sold and they have no intention to continue farming their land. In the future, the property will either go unattended, or be developed. Feels like he's been good to the community and asks, in turn, to be treated fairly by the community with this development and the thought that has gone into following the City's master plan.

**Sheryl Nebroski** 878 N. Main Street, Farmington, UT is concerned about the people driving out of the development onto Main Street since her property is right next to the proposed connection. Says it will be very hard to get out of her driveway with that road there. Sheryl is worried that developing every piece of open property in Farmington doesn't take wildlife into consideration and said 20 deer have been killed in front of her house in the last few years.

**Tom Cronin** 452 Welling Way, Farmington, UT asked how many units are being proposed. **Phil Holland** said 73 lots are being proposed.

**David Owens** 938 North Main Street Farmington, UT opposed “throwing” a bunch of homes in the back yards of the citizens of Main Street and likened lining homes on the East side of the proposed development to putting lipstick on a pig. As a general statement, David expressed his opposition of the development.

**Cherie Thorsness** 902 North Main Street, Farmington, UT was very angry to see more density being proposed in Farmington and expressed opinion that Farmington is not the community in which to worry about the housing crisis. Says that there are other places to build, but her community not the place. She sees how backed up traffic is on Main Street and said that adding 73 new homes to the area would make it worse. Cherie would like to see a few large residential lots go into the property.

**Ron Nebroski** 878 N. Main Street, Farmington, UT asked if the area lining Main Street will stay single family lots. **Dave Petersen** said yes. **Ron Nebroski** asked if the two roads connecting to Main Street on the development are the only streets between Park Lane and Shepard. **Dave Petersen** said yes.

**Connie Deainni** closed the public hearing at 9:20 PM.

**Greg Wall** asked how garbage collection would be managed on the private roads. **Phil Holland** said they would bring their cans out to the public roads. **Greg Wall** asked if on-street parking would be allowed on the skinny roads. **Phil Holland** said no but they would create some spots for guest parking. **Greg Wall** asked about the traffic study. **Phil Holland** said he did a traffic study for Ph. 1 about three years ago. **Phil Holland** said that between an arterial and connector road, the impact was minimal.

**Amy Shumway** expressed concern with mixing CMU with LR in this zone as she feels it leaves things a little muddy, especially if Phil were, for some reason to become uninvolved with the project. She said in similar areas there is plenty of open space like parks and green space, but this plan doesn’t show much open space.

**Rulon Homer** expressed concern with the commercial use, as it leaves the area open to many currently unknown uses. **Phil Holland** reiterated that CMU is on the City’s General Plan and was never the idea of developer. He stated that he is trying to keep commercial away from Main Street by lining Main Street with homes, even though the general plan allows for CMU – which allows business. Phil has put a lot of thought into blending density and use appropriately.

**Russ Workman** proposed the idea of re-zoning the entire area north and east of Lagoon Drive to R (Residential), ensuring that Phil would still be able to develop his proposal. **Phil Holland** said he was open to it and asked Russ Workman if the CMU zone designation was the only thing effecting his proposal. **Russ Workman** said yes and **Amy Shumway** said that was what was concerning her as well.

**Dave Petersen** said he may have a solution to resolve the CMU vs R zone issue and would like to speak with the developer another time or in a private conversation.

**Shawn Beus** said he appreciates that Phil has tried to align his application with the master plan but said that it sounds, from Dave, like there may be another way to accomplish this.

**Connie Deianni** asked how 3300 sf. lots would be allowed in an LR zone. **Dave Petersen** said it would be through a PUD. **Connie Deianni** addressed the traffic study and said that she is concerned with the traffic and would like to see a traffic study done as the local population currently stands.

**Roger Child** said he appreciates the involvement that Phil has had with neighbors and appreciates detached housing.

**Greg Wall** asked, regarding the letter from Dave Dixon, if all houses could be accessed by public street. Phil Holland said they tried, but couldn't make it work without driveway accesses onto Lagoon Drive.

Phil Holland asked Dave Petersen to present a possible compromise but Dave declined. Phil Holland then requested a recess to discuss the issue with Dave in private.

At 9:48 PM, **Connie Deianni** granted a recess and invited the Planning Commission to move to Item #5.

**Item #5. Nick and Sonja Nielson (Public Hearing) - Applicant is requesting conditional use permit approval for a secondary dwelling unit within their home located at 843 South Snowberry Lane (925 West) in an AE (PUD) zone (C-11-18)**

**Meagan Booth** read the findings which state that the proposed use complies with a conditional use in the zone.

**Nick Nielson** 43 Snowberry Ln. Farmington, UT says he has applied for a conditional use permit to rent out his basement until his children grow up and use it. He explained that the family would be very specific about who they would allow to rent out the home. Has come across problems with the meter and electrical separations between the upstairs. Nick would like the separate meter building code be re-considered since they can't make it work. Says that 8 of his 11 close neighbors have signed a petition in favor.

**Russ Workman** asked what Nick knows about any objections that the Planning Commission may hear. **Nick Nielson** said their next-door neighbors have written a letter of concern. Concerns include increased trash cans, possible character of the renters, off-street parking. Nick said he has taken these into consideration and has a wide driveway, plenty of fenced in area to put trash bins.

**Shawn Beus** said that him being part of this would be a conflict of interest, as he is in the process of an accessory dwelling as well, so he excused himself from voting on this item.

**Connie Deianni** opened the public hearing at 10:01 PM

**Gavin Baker** 857 S. Snowberry Lane, Farmington, UT expressed safety concerns for having a renter in a basement. He also is concerned about parking and garbage cans. He would not like to see parking occur on the street.

**Matt Perdie** 834 S. Snowberry Lane, Farmington, UT has lived in Farmington for 11 years and doesn't think this proposal fits in to that. He doesn't want to see people that aren't good enough to own their own

**The Planning Commission referred back to item #5.**

Dave Petersen had the idea that the City re-zone the entire property north and east of Lagoon Drive to R, then strip the residential rights off of the West side where the commercial buildings would go, which area the city would rezone CMU, then allow the developer to shift this density to the residential side via TDR (Transfer of Development Rights) agreement with the City enabling him to implement the plan more or less as presented. That way, the developer is held to the residential use on the East side, and held to the commercial use on the West side of Lagoon Drive.

**Connie Deainni** was enthusiastic about this so that the unknown possibilities brought up by a CMU zone no longer exist. Shawn thinks this is a good compromise.

**Motion:**

**Shawn Beus** made a motion to recommend the approval of a rezone to R (residential) on the north and east side of Lagoon Drive, and CMU on the West side and arrange for a TDR (Transfer of Development rights) to transfer the density between the West to the East sides of Lagoon drive on the proposed subdivision, and a recommendation for schematic plan approval.

**Russ Workman** seconded the motion, which was unanimously approved.

**Item #6. Miscellaneous, correspondence, - Oakridge Dental Traffic Study Report Results**

At 10:25 PM, **Shawn Beus** made the motion to adjourn the meeting. **Roger Child** seconded the motion, which was unanimously approved.

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Connie Deainni  
Planning Commission Chair





David Petersen <dpetersen@farmington.utah.gov>

---

## Website update

2 messages

Ali Avery <alisavery@gmail.com>  
To: dpetersen@farmington.utah.gov

Thu, Jan 10, 2019 at 1:15 PM

Hi Dave,

Also, I just found an updated General Plan land use map from 2011 elsewhere on your website. You have an outdated map located at this link: <http://www.farmington.utah.gov/departments/community-development/code-enforcement/general-plan-ordinances-development/>. For some reason, it's in the code enforcement section?

Good luck!  
Ali

---

David Petersen <dpetersen@farmington.utah.gov>  
To: Ali Avery <alisavery@gmail.com>

Thu, Jan 10, 2019 at 5:23 PM

Ali,

Thanks for the link to the out of date map at an obscure location on our website, I will let the appropriate people know to update this section. Like you, I easily found the 2011/2012 map at a very conspicuous location.

On a previous email you asked, "though this proposal is in compliance with the General Plan land use map (last amended in 2008?), it seems to be in conflict with the General Plan language concerning Agricultural uses on page 41". The City, via very aggressive open space ordinances and development restriction lines has helped preserve 100's of acres of open space, some of which is agriculture land, and some of which is protected into perpetuity. I am not sure if any other community along the Wasatch Front has done the things our City has done to set-aside open space. I could provide much more detail then this, but I think past City Council's have done their best to do items 1, 2, 3, and 4 on page 41. Maybe unfortunately for some, and maybe fortunately for others, regarding tonight's proposal specifically, there are many referenced in the General Plan that dictate that the US 89 corridor should not be agriculture.

You also asked: "has the General Plan itself really not been updated since 2005?". One of our log books shows that we have updated the General Plan at least 17 to 18 times since 2005, and this may be a conservative figure.

In your email you also said: "I think that getting ahead of some of these proposals with a General Plan update with heavy community involvement would be a very wise thing and would help the community feel like they have a say in all this development that is occurring". The CMU (Commercial Mixed Use) designation for this area to the General Plan map was first approved for this area in 2004, then last winter/spring 2018, the City went through a lengthy process with community input and adopted a sub-area master plan for the area further redefining land uses, among other things, and calling for a significant reduction in density.

Dave



**Dave Petersen, AICP**  
**Community Development Director**

Office: 801.939.9211 Cell: 801.381.3575  
[dpetersen@farmington.utah.gov](mailto:dpetersen@farmington.utah.gov)

[Quoted text hidden]



833 s. 200 e.  
salt lake city  
utah, 84111  
t: 801.595.6400  
f: 801.595.8900

January 8, 2019

Farmington City Planning Commissioners,  
Mayor, and Members of the City Council

**RE: East Park Lane – Phase II Development**

Dear Public Servants,

Thank you for your efforts to safeguard our neighborhoods and promote responsible development. Having sat in your chairs, I know it isn't always easy. I for one, appreciate your time and efforts in our behalf.

I received a copy of the Planning Commission packet for this week's meeting today from one of my neighbors. I reviewed the proposed plan for the rezoning of a portion of the property between Highway 89 and Main Street north of Park Lane to CMU with properties directly on Main St. remaining larger lots. The proposed plan is much better than the developer's previous version that included an area of higher density townhomes and nearly all of the "patio homes" accessed via shared driveways. This is a giant step in the right direction, but still poses a couple of concerns that I feel should be addressed as it moves forward.

1. The small lots with "patio homes" provide more affordable housing that we recognize as a need in our community, but accessing multiple single-family homes via private roads or driveways as proposed in the schematic design sets a dangerous precedence and violates our City Zoning Ordinance.

**11-7-108 Off-Site Improvements and Public Streets.** (1) The developer of a site requiring site plan approval shall dedicate to the City and improve all streets within or adjacent to the proposed development which are necessary to serve the vehicular and pedestrian needs of that development.

For the same reasons we discourage the development of flag lots, we ought to require the patio homes to ALL have frontage on public streets. That standard ensures public safety, provides better visitor parking, snow removal, trash collection, and makes more attractive

neighborhoods. The only downside to meeting this City standard, is a reduction in profitability. Keep the small lots if you will, but provide access on a public street designed to Farmington City's standards.

2. Oftentimes, a developer's best laid plans run into stumbling blocks down the road and require redirection. We have seen this happen in Farmington over the years (David Petersen will remember the Peter Cook Development). While we consider the proposed patio home development in rezoning the property to CMU, bear in mind that things can change in a heartbeat. The economy could slump, or the property could change hands, and as a City, we are left at risk to the densities allowed in that zone, up to 14 units per acre. Once rezoned, entitlement is ensured.

If the genuine intent is to develop patio homes on small lots, that portion could be rezoned residential (R Zone) rather than CMU and achieve virtually the same goals through the Conservation Subdivision and PUD Ordinances. Those ordinances are much better written for residential development. In this rezoning with a proposed plan in hand, we have an opportunity to avoid risk and define exactly what we want with designated zoning rather than just rezoning it all CMU and living with the gamble of its open-ended provisions.

The General Plan prescribes keeping the CMU zone away from Main Street and providing residential density buffers as a protection. As such, it would be very much in keeping with the General Plan to include an area of a higher density residential zoning (patio homes) between the large residential lots on Main Street and the proposed commercial uses to the west. In essence, stick closer to the City's Land Use Plan with the pink area of the map staying CMU and the yellow area including Large Residential along Main Street buffered by an R Zone between the LR and CMU Zones. Then, work with the developer to approve the R Zone as a Conservation Subdivision PUD to allow for smaller lots. Preservation of some of the existing wetland areas and/or other amenities could qualify the smaller lots.

I met with Wright Development a few months ago and assured them it is not my intent to lead a charge against their development of the property. They are good people that I have worked with professionally for many years. As such, I will not be making comments in the public hearing. As a resident in this area, I want the same things I think you want, quality development that enhances rather than detracts from our community. I think with a little more effort, it can be achieved in a spirit of cooperation. Please consider my suggestions as a means to that end.

Thanks for listening,

A handwritten signature in black ink, appearing to read 'D. Dixon', with a stylized flourish at the end.

Dave Dixon, AIA

10 January 2019

Farmington City  
Planning Commission Members  
160 S Main  
Farmington, UT 84035

RE: Rezone & Schematic Plan of the East Park Lane Subdivision Phase II (S-26-18 & Z-10-18)

Dear Planning Commission:

Farmington is my home town. My overarching desire and obligation as a member of the Hess family, a current North Farmington land owner and neighbor to some of the best people I have known in my life, is to see that what is done with this land meets what those who have gone before us would hold appropriate.

An equally important goal is to ensure that this part of North Farmington is developed such that all who live here now and in coming decades and generations will look upon it as an asset to the community – an area that adds and not detracts from the city. I want to see improvements with lasting appeal and function, not just development.

Land owners should be granted considerable preference to do what they will with their property. However, their use should be complimentary to neighbors and the community.

Above all, I believe it is most important to treat others as we want to be treated. It is difficult to codify this ideology and behavior into municipal ordinances and law – it requires consideration of others and requisite decisions and behavior.

Respectfully,

Howard Hess

: attachment – written comments to Planning Commission

10 January 2019

Comments submitted by Howard Hess

RE: Rezone & Schematic Plan of the East Park Lane Subdivision Phase II (S-26-18 & Z-10-18)

1. Appropriate use of land north of existing CMU zone (Park Lane East), west of Main Street, east of Spring Creek and south of 1175 S (south of Shepard Lane) should be single family residential.
  - a. The Spring Creek boundary can, for discussion purposes, be roughly defined at the Lagoon Drive (North) to 700 West extension.
  - b. No CMU zone or any other commercial zone should be applied in this area.
  - c. No multi-family designation should be applied in this area.
  - d. No "high density" housing should be permitted in this area.
  - e. Existing residences along North Main St. and 1175 North establish the appropriate use.
2. It is my understanding that rezone requests only deal with zoning, not the WDC's proposed use. Plats and roads are examples only.
  - a. Primary attention is given to the land area marked for rezone, not to the schematic.
3. With a change in zoning, in this case from A (agriculture) to CMU (commercial mixed use) and LR (large residential), any acceptable or permitted use in that new zone designation would have to be approved by the city. Likewise, any use that is not explicitly stated as acceptable in any given zone, is by definition not permitted.
  - a. Please note: code 11-19-060: A. Residential Development: Single-family dwelling residential development is **not allowed** in the CMU zone. Residential development must be at a minimum density of five (5) units per acre, but shall not exceed fourteen (14) units per acre, and should complement and support the primary commercial uses in the CMU zone district.
4. There is substantial difference between the SAMP (Small Area Master Plan) map and the rezone request maps.
  - a. The SAMP map shows low density residential east of the Lagoon Drive north extension and east of the LDS chapel site. CMU is shown as west of the Lagoon Drive north extension and west of the LDS chapel site.
  - b. The rezone request brings CMU as far east as the existing residences on the west side of North Main St.
  - c. Dedicated road widths on SAMP are shown to a minimum 56', this changes to widths much narrower (WDC Utility notes: 36', 29' and 24').
5. The only CMU zone that I can see presently exists in the city is the north side of Park Lane (WDC Phase I) that includes auto dealership, storage units, office building, hotel, credit union, etc. No residential use exists in the exists in the current CMU zone north of Park Lane. We can take what exists in the existing CMU zone as an example of what would be developed in the proposed WDC Phase II CMU zone.
6. Spring Creek and its source springs must be reclaimed and preserved.

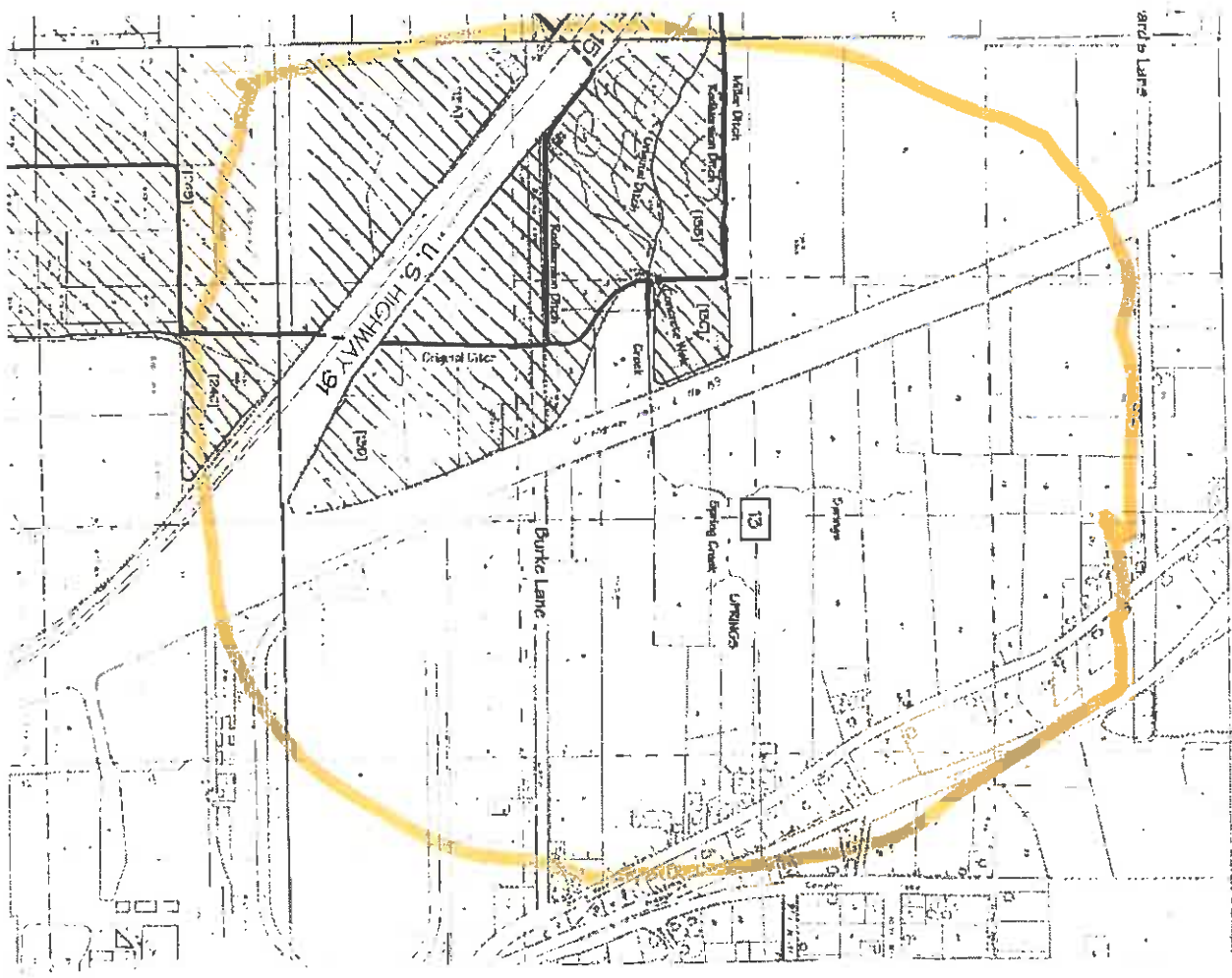


- a. The springs and creek course should be viewed as an asset and a desirable natural feature.
  - b. Shareholders of Spring Creek Irrigation & Water Company hold consumptive water rights to the source springs.
  - c. Spring Creek shareholders dedicated the flow of the waters from the source springs to the preservation of water flows over and through(non-consumptive) the wetland and wildlife preserve known as the Farmington Preserve Wetlands. This dedication is in perpetuity.
  - d. Spring Creek, including the source springs, along its entire course should be maintained as a natural feature.
  - e. Of interesting historical note: Spring Creek's water right (no. 31-5178) dates back to at least 1888. Aaron Richards affidavit (dated 30Apr1977) documents Richards family irrigation use back to 1917.
  - f. Water right is for consumptive use for both seasonal irrigation and year-round stock watering.
  
7. East-west streets intersecting Main Street should be placed at the north side of the Rod/Cloyd/Jon Hess property and the southside of the Cahoon property. Placing a connecting street on the north side of the Cahoon property presents two problems: 1) sight distance to the north, 2) elevation difference between Main Street and the field. A street south of Cahoon's would be at grade.
  
8. The SAMP for East Park lane should be set aside and redone. It is my understanding that during the City Council meeting wherein WDC (Phil Holland) petitioned for approval of the SAMP, that he was asked by the Council if all property owners were contacted and in agreement. Phil responded affirmatively.
  - a. In a discussion with Craig Hess (after the OTR zone meeting for North Main Street, in the Fall of 2018), I asked Craig about this comment. Craig, acknowledged the comment from Phil and then said, "I chewed him out afterwards." Intentional or not, Phil's statement to the City Council is not true.
  - b. I am a current property owner in this area and I was not ever contacted by WDC or Farmington City concerning the SAMP.
  - c. Glen & Joyce Lambson have told me that they were not contacted.
  - d. Maybe a poll of all property owners and an invitation to participate is in order.
  - e. The 2004 designation by Farmington City for this area in the Master Plan was not done in concert with property owners. If any, only a small percentage were included.
  - f. Since 2004, considering the Station Park development and the East Park Lane Phase I development, the appeal and demand for commercial use in the SAMP area should be reassessed.
    1. If East Station Park Phase I is exemplary of existing market demand, when I suggest Farmington City does not need, or want, more storage units.
    2. Plenty of time has elapsed for potential auto-dealers to come forward. (3+ years)
    3. Has WDC presented Farmington City with any letters of intent for occupancy of further commercial development?
  
9. Primary consideration should be given to existing residential land owners – WDC proposed changes will most likely have a significant detrimental impact on value and market appeal.

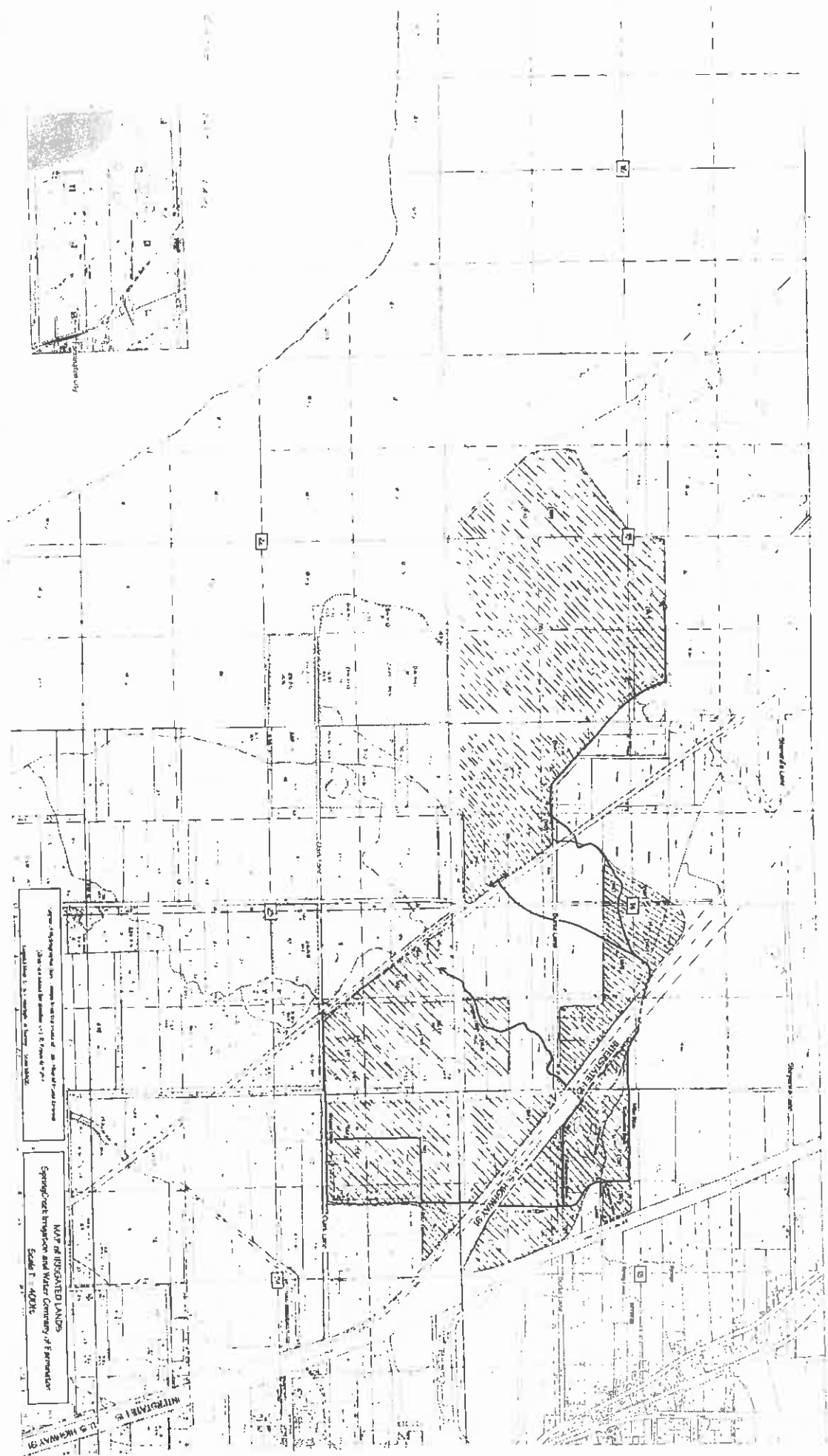
Notes provided to Farmington City Planning Commission – 10Jan2019 (public hearing – rezone request East Park Lane Subdivision Phase II (S-26-18 & Z-10-18))

Map portion of "Maps of Irrigated Lands, Spring Creek Irrigation and Water Company of Farmington.

([https://www.waterrights.utah.gov/asp\\_apps/DOCDB/DocImageToPDF.asp?file=/docSys/v909/v909/V90904Q0.TIF](https://www.waterrights.utah.gov/asp_apps/DOCDB/DocImageToPDF.asp?file=/docSys/v909/v909/V90904Q0.TIF))



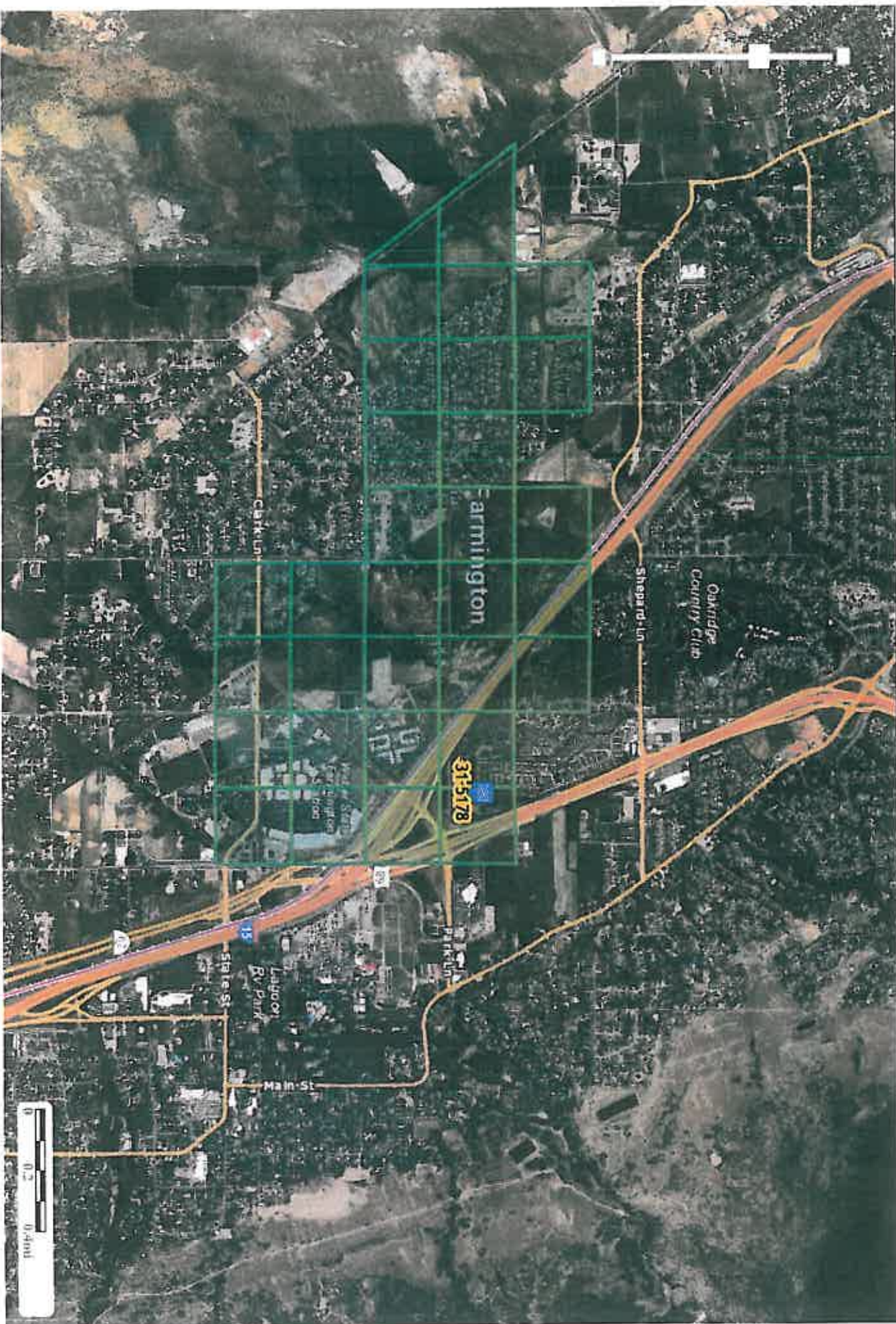
Spring Creek Irrigation System  
Map





Services

Agencies



**SPRING CREEK IRRIGATION AND WATER COMPANY  
OF FARMINGTON**

=====

455 South 300 East Street  
Suite 200

Telephone: (801) 539-8776  
Facsimile: (801) 539-8779

June 4, 1998

Utah State Engineer  
Division of Water Rights  
Department of Natural Resources  
1594 West North Temple, Suite 220  
P.O. Box 146300  
Salt Lake City, UT 84114-6300

**RECEIVED**

*KLF*  
JUN 4. 1998 *fm*

**WATER RIGHTS  
SALT LAKE**

Re: Spring Creek Irrigation and Water Company of  
Farmington; Diligence Claim No. 31-5178 (D6874)

Dear Mr. Morgan,

Enclosed is a document entitled "Articles of Amendment and Restatement of Articles of Incorporation of Spring Creek Irrigation and Water Company of Farmington". Article X of this document contains a dedication of water flows to the Farmington Preserve Wetlands, which is described in the Exhibit "A" to the document.

To assure that this dedication of water flows receives the maximum public notification, you are requested to file this document in the file with the above-identified diligence claim, and in any file you might maintain in your office for water dedications.

Should you have any questions, please call me.

SPRING CREEK WATER AND  
IRRIGATION COMPANY OF  
FARMINGTON

By

  
John F. Bates, Secretary

## AFFIDAVIT OF AARON F. RICHARDS

Comes now Aaron F. Richards, of Farmington City, Utah, who being first duly sworn on oath, deposes and says, concerning Spring Creek Irrigation and Water Company of Farmington:

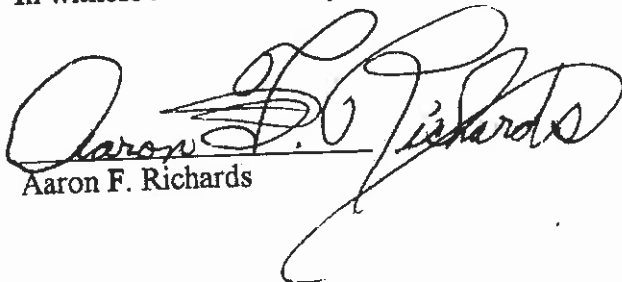
I, Aaron F. Richards have personally irrigated Richards Family property with Spring Creek Irrigation Company water for over 50 (fifty) years. My father, Franklin R. Richards and my Grandfather, Ezra F. Richards, both irrigated our property in the years prior to my doing the irrigating from the time my Grandfather purchased the land in about 1917.

I have been Secretary of the Company since about 1973 and have worked with three generations of stockholders in the Company and conversed with them about the historical happenings of the Spring Creek Irrigation System.

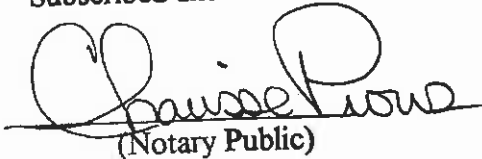
I certify that this application has been prepared utilizing the most accurate information available and the original records of the organization which are in my custodialship dating from 1888. The ditches and irrigated lands shown on the attached map dated 4-25-97, are the ditches and the property that has been used and irrigated since these lands were first farmed following the settlement of Farmington in 1849.

Certified this 30 day of April 1977.

In witness hereof I set my hand this 30th day of April 1977.

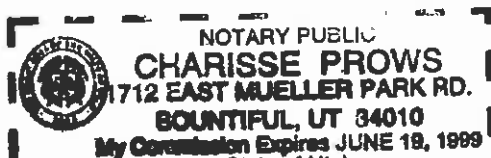
  
Aaron F. Richards

Subscribed and sworn before me this 30<sup>th</sup> day of April, 1977.

  
(Notary Public)

My commission expires June 19, 1999

My residence is 1712 E. Mueller Park Rd. Bountiful, UT 84010



SCANNED



# Water Right Details for 31-5178

Utah Division of Water Rights

1/10/2019 3:05 PM

(WARNING: Water Rights makes NO claims as to the accuracy of this data.)

Water Right: 31-5178

Application/Claim: D6874

Certificate:

## Stock Company:

Stock Companies associated with this water right:

Spring Creek Irrigation & Water Company of Farmington - Company (Base) Water Right

## Owners:

Name: Spring Creek Irrigation and Water Company of Farmington

Address: 844 West 100 North

Farmington City UT 84025

Interest: 100%

Remarks:

## General:

Type of Right: Diligence Claim

Source of Info.: Diligence Claim

Status:

Quantity of Water: 4 CFS

Source: Spring Creek

County: Davis

Common Description:

Proposed Det. Book: 31-

Map:

Pub. Date:

Land Owned by Appl.:

County Tax Id#:

Distribution System:

## Dates:

Filing:

Filed: 05/01/1997

Priority: / /1888

Advertising:

Publication Began:

Publication End:

Newspaper:

Protest End Date:

Protested: Not Protested

Hearing Held:

Approval:

State Eng. Action:

Action Date:

Recon. Req. Date:

Recon. Req Action:

Certification:

Proof Due Date:

Extension Filed Date:

Election or Proof:

Election/Proof Date:

Certificate Date:

Lapsed, Etc. Date:

Lapsed Letter

Wells:

Prov. Well Date:

Well Renov. Date:

RECEIVED

MAY 01 1997

WATER RIGHTS  
SALT LAKE

# FILING FOR WATER IN THE STATE OF UTAH

## DILIGENCE CLAIM

Rec. by SE  
Fee Rec. 1200.00  
Receipt # 97-01040

This form is used in accordance with Utah Code Annotated, Section 73-5-13 (1989) to document water rights established prior to the enactment of the 1903 and 1935 statutes requiring that applications to appropriate be filed with the State Engineer. The information on this claim must describe the original use of water when the right was first established.

\*WATER RIGHT NO. 31 - 5178

\*DILIGENCE CLAIM NO. D 6812

\*FILING DATE May April 1, 1997

\*MAP DRAWER \_\_\_\_\_

Check here if the current use of the water differs from the historic use in any respect. If there is a difference, a change application may be required.

### 1. CLAIMANT INFORMATION

Name SPRING CREEK IRRIGATION AND WATER COMPANY OF FARMINGTON  
Address 844 West 100 North  
City Farmington City State Utah Zip Code 84025

2. PERSON WHO FIRST PUT WATER TO BENEFICIAL USE See Explanatory

3. DATE WHEN WATER WAS FIRST PUT TO BENEFICIAL USE See Explanatory  
Surface water prior to 3/12/1903. Groundwater prior to 3/22/1935.

4. QUANTITY OF WATER: 4 cfs + (See Explanatory) and/or See Explanatory acre-feet

5. SOURCE A collection of springs in the NW 1/4 of the SE 1/4 Sect 13, T3N, R1W

6. POINT(S) OF DIVERSION WHERE WATER WAS FIRST DIVERTED FOR BENEFICIAL USE  
By legal survey ties: See Explanatory. N 2050' and E. 1490' from the SW corner  
of Section 13, T3N, R1W, SLB&M

Original diverting works (See instructions.): Diversion dam and concrete  
splitting weir, and ditches to place of use.

### 7. POINTS OF REDIVERSION

Source where water was originally rediverted NA  
Point(s) by legal survey ties: \_\_\_\_\_

Original rediverting works (See instructions.): \_\_\_\_\_

\*These items are to be completed by the Division of Water Rights.

SCANNER

8. POINT(S) OF RETURN NA  
Amount of water originally consumed: \_\_\_\_\_ cfs and/or \_\_\_\_\_ acre-feet  
Amount of water originally returned: \_\_\_\_\_ cfs and/or \_\_\_\_\_ acre-feet  
Point water was originally returned to natural source (by legal tie(s)):  
\_\_\_\_\_  
\_\_\_\_\_

9. STORAGE NA  
Reservoir Name (where originally stored): \_\_\_\_\_  
Date when water was first stored: \_\_\_\_\_  
Times during the year when water was diverted to storage (as originally developed): From \_\_\_\_\_ To \_\_\_\_\_  
Volume: \_\_\_\_\_ acre-feet. Dam height: \_\_\_\_\_ ft. Surface area: \_\_\_\_\_ acres.  
Legal description by 40-acre tracts: \_\_\_\_\_  
\_\_\_\_\_

10. PURPOSE AND EXTENT OF USE  
Describe the extent and months of the year of original water use.  
IRRIGATION: 395 plus \_\_\_\_\_ acres. Sole supply of \_\_\_\_\_ acres.  
Period of use from March 1 \_\_\_\_\_ to November 1 \_\_\_\_\_  
STOCKWATERING (number and kind): 150 horses, 400 cattle  
Period of use from January 1 \_\_\_\_\_ to December 31 \_\_\_\_\_  
DOMESTIC: \_\_\_\_\_ families and/or \_\_\_\_\_ persons.  
Period of use from \_\_\_\_\_ to \_\_\_\_\_  
MUNICIPAL (name of service area) \_\_\_\_\_  
Period of use from \_\_\_\_\_ to \_\_\_\_\_  
MINING: \_\_\_\_\_ Mining District in the \_\_\_\_\_ Mine.  
Type of ores mined: \_\_\_\_\_  
Period of use from \_\_\_\_\_ to \_\_\_\_\_  
POWER: Type: \_\_\_\_\_ Plant Name: \_\_\_\_\_  
Period of use from \_\_\_\_\_ to \_\_\_\_\_  
OTHER: Type: \_\_\_\_\_  
Period of use from \_\_\_\_\_ to \_\_\_\_\_

11. PLACE OF USE  
Legal description of the original place of use by 40-acre tract(s):  
See Explanatory  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. EXPLANATORY REMARKS  
Information to more clearly define the full pupose of this diligence claim (Use additional pages of the same size if necessary.):  
See attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SCANNED

WATER RIGHT NO. \_\_\_\_\_

### CERTIFICATE OF CLAIMANT

The claimant acknowledges the accuracy of the information contained herein and the attached documentation.

STATE OF UTAH  
COUNTY OF Davis ) SS

I/we, being duly sworn, do hereby certify that I/we am/are the claimant(s), or agent(s) of the claimant(s), to a right to the use of water as set forth in the foregoing statement of facts.

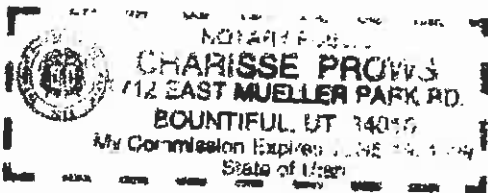
SPRINGCREEK IRRIGATION AND WATER COMPANY OF FARMINGTON

Carroll D. Richards, Sec.  
Signature of Claimant

\_\_\_\_\_  
Signature of Claimant

Subscribed and sworn to before me this 30<sup>th</sup> day of April, 1997.

(seal)



Charisse Prows  
Notary Public

### CERTIFICATE OF ENGINEER

STATE OF UTAH  
COUNTY OF Davis ) SS

I, DON A. BARNETT, being duly sworn, certify that I was employed to prepare the maps associated with this diligence claim; that the maps were prepared from field notes of a survey made by me between the days of See Explanatory, \_\_\_\_\_ and \_\_\_\_\_; that these maps, labeled as Sheet Nos. One to One inclusive, when combined with the written claim fully describe the method and extent of beneficial use of the water when it was first put to use, and that each and all of the items contained herein are true to the best of my knowledge.

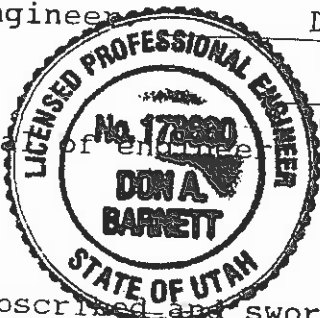
Engineer DON A. BARNETT

(printed name)

License No. 178660

106 W. 500 S., Suite 101, Bountiful, Utah 84010  
(printed address)

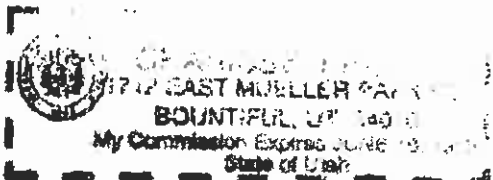
seal of engineer



[Signature]  
Signature of Engineer

Subscribed and sworn to before me this 30<sup>th</sup> day of April, 1997.

seal



Charisse Prows  
Notary Public

SCANNED

# EXPLANATORY

This Explanatory has been developed under the direction of Aaron F. Richards, Secretary and Operations Manager of Spring Creek Irrigation and Water Company of Farmington (sometimes referred to hereafter as "SC") "Claimant" as a supplement to the answers to the questions set forth in "FILING FOR WATER IN THE STATE OF UTAH – DILIGENCE CLAIM".

Farmington was first settled in 1847. Subsequent settlers were assigned property by lot and utilized available waters immediately thereafter for agricultural purposes – probably as early as 1850. See Paragraph 2 below. It is the desire of the share holders, originally referred to during the organization of SC, as "claimants" – to document the validity of their water rights represented by ownership of shares of stock in SC – by requesting the Utah State Engineers Office to issue an appropriate official statement to verify those rights..

1. Prior to the 1870's there were no deeds to properties in the Farmington area. According to Franklin D. Richard's journal (a biography written by FDR's grandson Franklin West), FDR arrived in Farmington October 19, 1848. Most of the land was covered with sagebrush. There were no "land grabs". The land was distributed by lot to the settlers on "public domain" according to squatters rights until 1868 when U.S. land laws were applied to the area. Most current abstracts of title searches go back only two generations.
2. During the early years (1870' and 80's) bishops of the LDS Church were appointed as assistant water masters to assist in the regulation of local streams so that each farmer received his rightful share encouraging water rights claimants to organize of water companies. There are 79 shares issued in SC and the irrigated lands shown on the attached "Map of Irrigated Lands" (the "Map").
3. Aaron Richards has been Secretary and Operations Manager of SC since 1973. He is a shareholder in SC and owner of properties that have been in his family since 1917 and have been historically and are currently irrigated by Spring Creek Irrigation and Water Company of Farmington. Mr. Richards is personally familiar with the history of water usage in the company and personally directed identification of irrigated lands on the Map.

References below are to Paragraph numbers on the State claim form:

Paragraph 2 -- " Person who first put water to beneficial use" AND Paragraph 3 -- "Date when water was first put to beneficial use":

The water claimed by the Spring Creek Irrigation and Water Company of Farmington (hereafter referred to as "SC") was first put to beneficial use by the original settlers on the lands in Farmington City, Davis County, and are identified on the map entitled "MAP OF IRRIGATED LANDS -- Spring Creek Irrigation and Water Company of Farmington". The irrigated areas have been shown on a copy of combined Hydrographic Survey Maps obtained from the State of Utah Office of State Engineer. The irrigated properties are located in T 3N, R1W, Sections 14, 15, 23 and 24 SLB&M (Davis County).

It is believed that the waters of Spring Creek were first diverted and used when pioneers moved onto the subject lands. Although this would have probably occurred some 40 years or so earlier, the first documented diversion and use of the waters of Spring Creek thus far found is 1888. In the minutes of a meeting of "Water Claimants of Spring Creek" dated June 7, 1888 (copy attached hereto as Attachment "A") they refer to the need to "have a water master appointed to properly distribute the water". Thus we know that at least by 1888 the waters of Spring Creek were being diverted and beneficially used by claimants' predecessors.

SCANNER

If additional information is found which proves an earlier date, such will be submitted to the State Engineer and the claimed date herein amended.

The first individual water "claimants" historically identified are mentioned in the minutes of SC and the "Constitution of Spring Creek" which was recorded in the company minutes (Pages 10, 11 and 12) a copy of which are attached as Attachment "B". A partial transcription of selected pages from the SC minutes and Articles of Incorporation was made, to the best of his ability, by Richard Prows for the purpose of proving continuity of use of the subject water by the Claimants (Share Holders), identify names and other pertinent facts of historical significance as they may relate to the this diligence application. The transcription follows:

**Pages 1 thru 7 do not exist**

**Page 8:**

Farmington Vestry Feb. 9, 1891.

Water Claimants of Spring Creek called to order by ...W.O. Mayfield, Water Master.

On motion of E. F. Rose E. B Clark was appointed Chairman & W (A?) Clark was appointed Chairman & W S Clark Sec.

On motion of Darwin Chaffin Geo. Rogers was appointed Water master of Spring Creek.

E. F. Rose moved that the water claimants of Spring Creek form themselves into an Association & carried. On motion of W. O. Mayfield a committee of three be appointed to draft a constitution and by laws.

On motion of Darwin Chaffin E B Clark was one

" " " T. Coombs E. T Rose " "

" " " Geo. Rogers Darwin Chaffin "

On motion of E. F. Rose meeting adjourned until Feb. 23 at 2 o clock firm.

W. S. Clark Sec.

Feb. 23, 1891. The adjourned meeting of the Shareholders of Spring Creek was called to order by Water Master Geo. Rogers. Minutes of Feb. 9 read and approved also of 1889. Water Master W. O. Mayfield report was read & approved

The Committee on Constitution reported which was deliberated upon to some length after which upon motion of John Preece the Constitution was accepted.

5 directors were appointed as follows

On motion of John Preece E B Clark was app...

" " " " Darwin Chaffin " "

" " " E B Clark J H Robinson " "

" " " Darwin Chaffin John Preece " "

" " " E B Clark W O Mayfield " "

W S Clark Sec.

**Page 9:**

Water Masters report for two years 1889 & 1890

Amt of labor 142 1/2 days

" " Cash recd as Services \$31.50

W. O Maxfield

Water Master



**Page 10:**

Constitution of Spring Creek I.A.

.....  
Constitution

1st This association shall be known by the name of the Spring Creek Irrigation Association and may continue for 50 yrs from and after the 23 day of Feb. 1891

Its principle place of business shall be at Farmington, Davis Co. Utah

.....The Objects of this Association shall be to construct - maintain and keep in repair all main ditches, dams gates and flumes and provide for the equitable distribution and control of the water of said Spring Creek for Irrigation and other purposes and for the purpose of raising the necessary funds and applying the necessary labor to consummate the objects herein mentioned.

**Each 5 acres of land entitled to water shall constitute a share and the unit or basis of assessment** ..... [emphasis added]

**Page 12:**

The Persons whose names are herein subscribed are each entitled to water for the number of shares opposite their names and subject to their apportioned of any and all assessment of the shares of this Association

Geo Bentz	3 shares	J Ivan Hess	1 1/2	4 1/2
A Barnes & J I Hess	6	J. D. Wilcox	6	
Calvin Mayfield	3	E. Robinson	3	
Geo Rogers	3	Geo Tubb (del) to John Petty	5?	
John Preece	3	Wm. Stevenson	2	
Darwin Chaffin	3	Orson Rogers (del)	2	
Riley Chaffin	3	B. F. Knowlton (del)	6	
Doc Walker G.R.C.	2	W C F Smith from Knowlton	6	(del)
Wm Mayfield ? "(del)	2	John Pitts	1	
E. L. Clark	5	Mrs. Tubbs	2	
E. B. Clark	5	John Hess	3	
A. S. Clark	1	Transferred from Geo Bentz	?	
Geo. H. Steed (Carlson)	2	C.H. Bourne from Knowlton	3	
J.H Robinson	4	Bourne ?	72?	
F. Coombs	3	Barnes	6	
W C T Smith	2			
J W? Hadfield	2			

**Page 13:**

By Laws

1st The ditches of this Association shall be known and described as follows The Miller field ditch commencing and carrying water from Knowlton and adjacent farms to it destination in the Miller field 2nd South Fork Ditch carrying water from the Miller Field Ditch running South to the Clark Lane.

2nd .....

SCANNER

**Page 17:** (overlaid on another page)

.....(about 1/2 page down).....

.....Chairman and John I. Hess Sec. The following were appointed to act as a board of directors Wilford Stephenson, G. R. Chaffin, Horace Vanfleet, George Spackman, and John I. Hess. W. C. T. Smith was appointed Water Master. adjourned.

John I. Hess Sec.

Farmington Feb 25, 1918.

Water claimants of the Spring Creek Irrigation Co. met in the Vestry

Wilford Stevenson President, E. B. Clark proposed .....C. H. Bourne moved .....

**Page 27:**

Minutes of the Spring Creek Irr. & Water Co. of Farmington held at Feb 14, 1930.

Notice of meeting ..... accepted by motion of G. R. Chaffin.

Minutes of meeting held Mar 13, 1922 were read and approved ....G. R. Chaffin moved that nomination were in order for the appointment of a board of directors to serve for the next two years and the following were appointed R. S. Barnes G. R. Chaffin John J. Hess.

The South Fork ditch was taken under advisement Talked of Cement weir in the ditch to properly divide the water .....

John Spencer motioned that the stock be assessed .....

adjourned

J. I. Hess Sec & Treas

**Page 29:**

Minutes of the meeting of the Spring Creek Irrigation and Water Co. held at the home of G. R. Chaffin Farmington July 5, 1938. Minutes of April 27, 1934 read and approved. Those present Geo. Spackman, Lee Mayfield, Horace Vanfleet, F. R. Richards, D W. Adams, R. S. Barnes, Wm. Barnes, G. R. Chaffin, Geo. Hess, J. I. Hess. The division of water was taken into consideration those on the South Fork Ditch asked that the water be divided fifty fifty with a weir. F. R. Richards suggested that the water be divided at the South Fork Ditch and the users divide the water among themselves.

F. R. Richards moved that the weir be installed at the South Fork ditch for a fifty fifty division and the Slaughter ditch be supplied out of the South Fork Ditch. Seconded by Geo. Spackman --

**Page 30:**

the vote four in favor and four against the proposition.

**Page 30 continued:**

R. S. Barnes suggested that a committee be appointed to investigate the Slaughter House ditch and a fifty fifty division of water be considered. .... G. R. Chaffin moved that the water be divided

**Page 31:**

45-55. 45 for the South Fork Ditch and that the Slaughter House Ditch be taken care of out of the 45 division. Seconded by D W Adams after considerable discussion the voting was unanimous.

F.R. Richards moved that Geo. Spackman and D W. Adams and that the Pres. appoint another man to go ahead and put in the weir. The Pres. appointed J. I Hess.....

**Page 32:**

Geo Hess	Dr	7.20	Cr	15.75
Geo Mayfield		7.20		4.5

F. R. Richards	13.00	13.00
Horace Vanfleet	7.20	5.75
G. R. Chaffin	23.40	12.00
		5.75
D. W. Adams	21.60	17.50
R. S. Barnes	14.40	10.00
Geo. Spackman	7.20	8.25
J. F. Hess	23.40	13.00
Carl Adams	5.40	5.40
H. Allsworth	3.60	3.60
A. Z. Clark	1.80	1.80

**Page 33:**

R. S. Barnes	15	
A. Z. Clark	1	
Zeo Mayfield	4	
G. R. Chaffin	8	
D. W. Adams	1	
J. F. Hess	13	
Lawrence Chaffin	5	
H Allsworth	2	J D Potter
Carl Adams	3	
Horton Bourne	4	
Geo Hess	4	
Geo. Spackman	4	
Horace Vanfleet	3	
Eva Vanfleet	4	
Amanda Richards	6	
G. R. Chaffin	2	

**Page 35?:**

May 15, 1942

Meeting of Spring Creek Irrig & Water Co held at J. Rube Larsen's those present were J. Rube Larsen G. R. Chaffin D. W. Adams & John J. Hess.

It was decided in order to put the ditch in order .....

**Page 37:**

.....  
 Bp A. Z Clark 4.50 etc.  
 Harry White  
 G. R. Chaffin  
 John D. Potter  
 Carl Adams  
 Horton Bourne  
 J. Rube Larsen  
 K.F. Hess

Pages, not included above, are a record of matters related to ditch maintenance, assessments, accounting for work and assessment payments, and other company business.

Paragraph 4 – “Quantity of Water”:

Not found in the minutes are any flow measurements – nor have copies of the old water masters’ reports been found. However, in 1912 an application to appropriate the waters of Spring Creek for non-consumptive fish culture purposes was filed. A certificate for 4 cfs was issued to P. T. Alexander by the State Engineer in 1916 (copy of proof and certificate attached hereto as Attachment “C”). Alexander’s point of diversion was just above SC’s and it is not clear whether Alexander diverted all of the waters of Spring Creek, but, certainly his measured diversion would represent a minimum which could be claimed. Alexander returned the waters of Spring Creek at two separate locations, presumably to accommodate the existing irrigation diversion and ditches.

Experience with Spring Creek has shown that during a year, and from year to year, the discharge from the Springs varies. For the past many years, and certainly it is fair to presume even back to the time of the pioneers, it has been the practice of the Spring Creek irrigators to use all of the waters of Spring Creek which they can beneficially use. If historic flow measurements are found which document diversion at rates greater than 4 cfs, such information will be provided to the State Engineer and the claimed diversion rate herein will be amended.

Paragraph 5 – “Source”:

The source of SC waters is a collection of springs located in the NW ¼ of the SE ¼ of Section 13 which drain into the channel known as “Spring Creek”. From time to time surplus water from Shepard Creek and other irrigated lands to the East and North drain into, and thereby supplement, Spring Creek.

Paragraph 6 -- “Points of diversion where water was first diverted for beneficial use”:

See the above description of the water source. Distribution ditches and a concrete weir located N 2,050ft and E 1,490 ft from the corner of Section 13, T3N, R1W, SLB&M are indicated on the “MAP OF IRRIGATED LAND”.

Paragraphs 10 and 11 – “Place of Use - Legal description of the original place of use...”.

Spring Creek Irrigation and Water Company of Farmington is an irrigation company. As such, rights to the use of waters are held in the form of shares of stock. Pursuant to the original “Constitution of Spring Creek” (Attachment “B”) adopted in 1891, one share entitles an individual to irrigate 5 acres of land. 79 shares were issued and have been maintained in the company. Thus water rights to irrigate 395 acres is claimed herein.

As with any irrigation company, shares of stock are bought and sold from time to time and the irrigation rights related thereto are moved to different pieces of ground. Aaron Richards, who is the company Secretary, and who has personal knowledge of the use of the waters of Spring Creek, upon review of the original “Constitution” and the names of persons to whom the original shares of stock were assigned, has identified all of the land within the company’s service area which has been irrigated at one time or another with waters from Spring Creek and directed the identification of the irrigated land on the Map. The irrigated land totals approximately 660 acres.

It is reasonable to presume that during years that there were surplus flows from Spring Creek, more than the 395 acres were irrigated. However, with historical documents, at this point we are able to positively claim the right to irrigate only 395 acres during any given year. If additional information is found which positively shows more area was irrigated, such information will be provided to the State Engineer and the claimed acreage herein will be amended.

Historically, irrigated areas have also been adjusted to accommodate installation of various rights-of-way, substitution of lands on the occasion of stock sale or assignment, etc., and as indicated above, areas of acreage irrigated would adjusted from time to time (expanded or contracted) to accommodate water shortages or surpluses resulting from variable weather conditions. The extended irrigation areas are shown on the Map.

Irrigated areas listed below were calculated by scaling "cross hatched" areas displayed on the map. Because of the "fluid" nature of irrigated areas the areas indicated below should be considered approximations.

**Section 15:**

- [15A] The NE diagonal  $\frac{1}{2}$  corner of the SE  $\frac{1}{4}$  -- ( 20 acres).
- [15B] An irregular diagonal parcel in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 15 -- (26 acres).
- [15C] All of the SE  $\frac{1}{4}$  of Section 15 less a diagonal 300 ft. x 300 ft. corner parcel in the NE corner of the SE  $\frac{1}{4}$  of Section 15 -- (159 acres).
- [15D] The S 500 ft. of the NE  $\frac{1}{4}$  of Section 15 LESS approximately 200,000 sqft of the E side of said 500 ft strip -- (26).

**Approximate acres irrigated in Section 15 -- 231.**

**Section 14:**

- [14A] All of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 14 -- (40 acres).
- [14B] A 1,000 ft x 1,000 ft diagonal SW corner of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 14, PLUS a 125 ft x 300 ft strip in the SE corner of said 1/4-1/4 Section -- (12 acres).
- [14C] An irregular parcel lying W of the D & RG RR ROW in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 14 -- (26 acres).
- [14D] A 125ft x average 500 ft parcel in the SW corner of the NE 1/4 of the SW 1/4 of Section 14 -- (1.5 acres).
- [14E] An irregular parcel in the NE corner of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 14 -- (5 acres).
- [14F] The diagonal parcel of the SE corner of the SE 1/4 of the NW 1/4 of Section 14 -- (2.5 acres)
- [14G] An irregular parcel in the S 2/3 of the SW 14 of the NE 1/4 of Section 14 -- (13 acres)
- [14H] The N 450 ft of the NW 1/4 of the SE 1/4 of Section 14 -- (28 acres).
  
- [14I] All of the NE 1/4 of the SE 1/4 of Section 14, LESS an irregular 120 ft x average 650 ft parcel in the NE corner of said  $\frac{1}{4}$  of 1/4 section and a 100ft x 700 ft parcel in the SW corner of said 1/4 of 1/4 section, LESS the UP RR ROW and Interstate I-15 ROW in said 1/4 1/4 section (27 acres).
- [14J] The S 800 ft of the SE 1/4 of the SE 1/4 of Section 14 -- (24 acres).

**Approximate acres irrigated in Section 14 -- 179**

**Section 13:**

- [13A] All of the SW 1/4 of the SW 1/4 of Section 13 LESS the Interstate I-15 ROW -- (33 acres).
- [13B] The S 1180 ft of the NE 1/4 of the SW 1/4 of Section 13 LESS the Interstate I-15 ROW and Burke Lane ROW -- (34 acres).
- [13C] An irregular parcel W of U.S. Highway 91 (89) ROW in the NW 1/4 of the SW 1/4 of Section 13 -- (9 acres).

- [13D] An irregular parcel W of U.S. Highway 91 (89) ROW in the SE 1/4 of the SW 1/4 of Section 13 LESS the Interstate I-15 ROW – (25 acres).

Approximate acres irrigated in Section 13 – 101

Section 24:

- [24A] The N 600 ft of the SW 1/4 of the NW 1/4 of Section 24 – (18 acres).

- [24B] All of the NW 1/4 of the NW 1/4 of Section 24 – (40 acres).

- [24C] An irregular parcel in the NW area of the NE 1/4 of the NE 1/4 of Section 24 – (13 acres)

- [24D] The W 250ft of the S 800 ft of the NE 1/4 of the NW 1/4 of Section 24, PLUS the W 250 ft of the E 600 ft of the SE 1/4 of the NW 1/4 of Section 24 – (8 acres).

Approximate acres irrigated in Section 24 – 79

Section 23:

- [23A] A diagonal parcel lying E of the D & RG RR ROW in the NW and SW 1/4's of the NE 1/4 of Section 23 -- (18 acres).

- [23B] All of the NE 1/4 of the NE 1/4 of Section 23 -- (40 acres).

- [23C] The N 600 ft of the SE 1/4 of the NE 1/4 of Section LESS the D &RG RR ROW – (17 acres)

Approximate acres irrigated in Section 23 – 75

TOTAL IRRIGATED LAND AREA – 665

Paragraph 12 – “Explanatory Remarks”:

In reference to Spring Creek Irrigation and Water Company of Farmington. See Explanatory.

**CERTIFICATE OF ENGINEER**

Don A. Barnett, a licensed professional engineer was employed to assist SC in reviewing and compiling the historic facts and documents associated with this claim. The map is based on a compilation of Hydrographic Survey maps prepared by personnel in the State Engineer's office in early 1960 which cover the subject area. Delineation of the area boundaries and annotation is based on information provided by Aaron Richards. The point of diversion is based upon mapping done by the State Engineer's office at the time that the Hydrographic Survey maps were prepared. As such no new survey of the subject lands was performed.



26

00065470

Department of Commerce  
Division of Corporations and Commercial Code

I hereby certify that the foregoing has been filed  
and approved on the 24 day of April 1998  
in the office of this Division and hereby return  
this Certificate thereof.

Examiner BS Date 4/29/98



LORENA P. RIFE  
DIVISION DIRECTOR

ARTICLES OF AMENDMENT AND RESTATEMENT OF THE  
ARTICLES OF INCORPORATION OF  
THE SPRING CREEK IRRIGATION AND WATER COMPANY  
RETURNED  
OF FARMINGTON

RECEIVED  
APR 24 1998

W/1/2 13 3M1W

MAY - 1 1998

E/1/4 14

THE UNDERSIGNED, being the President and Secretary of The Spring Creek Irrigation and Water Company of Farmington, herewith certify, that on the 18th day of April, 1998, pursuant to a resolution of the Board of Trustees of the Corporation a special meeting of the shareholders of the Corporation was held to consider the recommendation from the Board of Trustees that the Articles of Incorporation be amended. Notice of the meeting was duly given as provided by law and the By-Laws of the Corporation, which notice contained the proposed amendments and the proposed restatement of the Articles of Incorporation. From the total of 79 issued and outstanding shares of the Corporation's stock, 61 shares were present at the meeting, either in person or by proxy. The following amendment and restatement of the Articles of Incorporation was approved by the vote of 61 shares in favor, which number is equal to at least two-thirds (2/3) of the shares present at the meeting and entitled to vote. The amendments and the restatement of the Articles of Incorporation of the Corporation approved by the shareholders of the Corporation are as follows, to wit:

81140110

ARTICLE I - NAME

(Amended 4/18/98) E 1401483 B 2285 P 397

JAMES ASHAUER, DAVIS CNTY RECORDER  
1998 MAY 1 2:55 PM FEE 26.00 DEP J1  
REC'D FOR SPRING CREEK IRRIG. AND WATER

The name of the Corporation shall be

SPRING CREEK IRRIGATION AND WATER COMPANY OF FARMINGTON

ARTICLE II - DURATION

(Amended 4/18/98)

The duration of the Corporation shall be perpetual, subject to the vote of the Corporation's shareholders and the provisions of the laws of the State of Utah.

08051-0128  
08-053-0009, 0048, 0016, 0045, 0017, 0045, 0049, 0013, 0050  
08-058-0013, 0007

**ARTICLE III - PURPOSES**  
(Amended 4/18/98)

The purposes for which this Corporation is organized are the pursuit of any business activities not denied to non-profit Corporations under the laws of the State of Utah, including, but not limited to, the ownership, control, sale, purchase, storage, and delivery of water, the ownership, construction, repair, and maintenance of ditches, canals, reservoirs, pumps, and other implements and devices associated with the conveyance and storage of water, and all other activities necessary or convenient to the accomplishment of such purposes.

**ARTICLE IV - MEMBERS AND SHARES**  
(Amended 4/18/98)

4.1 Members. The Corporation shall have members, who shall be those persons, whether natural or juridical, who own shares of the Corporation's stock. There shall be only one class of shares, with all of the shares having the same rights and privileges. No member shall be individually liable for any part of the debts or obligations of the Corporation. The By-Laws may make provision for the imposition of dues, assessments, or other charges payable by the members, with each share bearing its proportionate share of any such imposition.

4.2 Shares. The total number of shares which the Corporation shall have the authority to issue is seventy-nine (79). On all matters which require the vote of the members, including, but not limited to the election of the Board of Trustees, each share of the Corporation's stock shall have one vote. Members shall not have the right of cumulative voting for Trustees, nor shall they have preemptive rights in the acquisition of additional shares.

**ARTICLE V - TRUSTEES**  
(Amended 4/18/98)

5.1 Number, Qualification, and Responsibility. The powers of the Corporation shall be exercised by a governing board to be known as the Board of Trustees, which shall be composed of not fewer than three (3) nor more than five (5) Trustees. Trustees need not be members, nor shall they be required to be residents of the State of Utah, and their selection, election, appointment, term of office, and other conditions of service shall be in accordance with the

provisions of the Corporation's By-Laws; provided, however, that no By-Law of the Corporation shall ever be so construed as to enlarge the responsibility or liability imposed upon a Trustee by the laws of the State of Utah.

5.2 Immunity and Indemnification. Trustees shall enjoy all of the immunities from liability permitted by the laws of the State of Utah, and shall have the right to indemnification consistent with the laws of the State of Utah for suits, claims, actions, proceedings, and other losses or liabilities of whatever nature arising or which might be claimed to have arisen out of a Trustee's service as a Trustee, Officer, or agent of the Corporation, and no resolution or By-law of the Corporation shall ever be deemed to restrict a Trustee's right to such indemnification. This right to indemnification shall not be deemed to be exclusive of any other rights to which a Trustee may be entitled under any law, rule, regulation, By-law, resolution, vote, agreement, or otherwise.

5.3 Initial Governing Board. The membership of initial Board of Trustees under these Articles of Incorporation, as herewith amended and restated, shall be:

<u>NAME</u>	<u>ADDRESS</u>
Aaron F. Richards	50 North 100 East Street Farmington, Utah 84025
Richard S. Prows	54 South Bountiful Blvd. Bountiful, Utah 84010
John F. Bates	150 South 600 East Street Suite 5C Salt Lake City, Utah 84102

Each of the above-named Trustees shall serve until the next regularly scheduled meeting of the members or until his or her successor has been duly elected and qualified or until he or she has resigned or has been removed or replaced in accordance with these Articles of Incorporation and the By-laws of the Corporation, whichever event occurs later.

ARTICLE VI - INITIAL OFFICE AND REGISTERED AGENT  
(Amended 4/18/98)

The location and street address of the initial principal office of the Corporation, and the name and address of the initial registered agent for the Corporation under these

Articles of Incorporation, as amended and restated, which principal office and registered agent may be changed by the Board of Trustees of the Corporation without amending these Articles of Incorporation, shall be:

INITIAL PRINCIPAL OFFICE

50 North 100 East Street  
Farmington, Utah 84025

INITIAL REGISTERED AGENT

John F. Bates  
150 South 600 East Street, Suite 5C  
Salt Lake City, Utah 84102

ARTICLE VII - LIMITED LIABILITY  
(Amended 4/18/98)

Trustees and Officers of the Corporation shall not be individually or personally liable for the debts or obligations of the Corporation.

ARTICLE VIII - OFFICERS  
(Amended 4/18/98)

Officers and agents of the Corporation shall be elected or appointed in accordance with the laws of the State of Utah and pursuant to the provisions of the By-laws of the Corporation, and shall have such authority and perform such duties as may be permitted by the laws of the State of Utah, as limited by and specified in the By-laws of the Corporation and the resolutions of the Corporation's Board of Trustees. Officers shall enjoy the same immunity from liability and the same right of indemnification as that provided for Trustees pursuant to Article V, above.

ARTICLE IX - AMENDMENT  
(Amended 4/18/98)

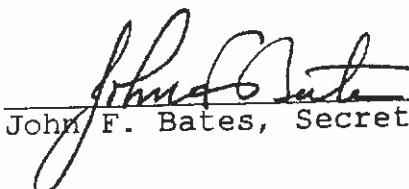
These Articles of Incorporation may be amended by the affirmative vote of two-thirds of the shares present in person or by proxy at a meeting at which there is a quorum and in which the amendment of these Articles of Incorporation is a proper subject for discussion, unless a different method for amending these Articles of Incorporation shall be authorized by the laws of the State of Utah; provided, however, that the Articles of Incorporation of the Corporation may not be

amended to delete Article X, below, or to otherwise modify, amend, or change said Article X except in strict compliance with the provisions of said Article X.

ARTICLE X - DEDICATION OF WATER FLOWS  
(Amended 4/18/98)

The Corporation does herewith dedicate the flow of the waters from the source springs for Spring Creek originating in Section 13, Township 3 North, Range 1 West, SLB&M, which are subject to the control and disposition of the Corporation, to the preservation of water flows over and through that certain wetlands and wildlife preserve to be known as the Farmington Preserve Wetlands, which will be owned, operated, and maintained by the County of Davis, State of Utah, and which is more particularly described on Exhibit "A", which is attached hereto and made a part hereof. This dedication of water flows, which is not intended to be for a consumptive use, but which is only intended to be a commitment to maintain water flows across said wetlands, shall be in perpetuity, and may only be changed, amended, modified, or terminated by a written agreement which is executed by the Corporation, with the advice and approval of all of its shareholders, by the Department of the Army, U.S. Army Engineer District, Sacramento Corps of Engineers, and by the County of Davis, State of Utah; provided, however, that should the lands described on Exhibit "A" hereto ever cease to be used or to function as a wetlands and wildlife preserve, subject to the giving of sixty (60) days prior written notice to the aforesaid office of the U.S. Corps of Engineers the dedication of water flows herein made shall be subject to termination by the Corporation upon the finding by a court of competent jurisdiction, following an evidentiary hearing, that said lands and water dedication have ceased to be used for and to serve the purpose for which this dedication was originally intended.

IN WITNESS WHEREOF, we, the undersigned, have duly executed this document pursuant to the authority granted to us by the Board of Trustees of the Corporation this 18th day of April, 1998.

  
John F. Bates, Secretary

  
Richard S. Prows, President



# DESCRIPTION OF PROPOSED WETLANDS AREA

All that certain real property situate, lying and being in Davis County, State of Utah, described as follows:

All that portion of Sections 13 and 14, Township 3 North, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows:

Commencing at the Northwest corner of said Section 13; thence South 00°12'06" East, along the west line of said Section 13, a distance of 468.75 feet to a point on the southerly line of 66-foot wide Shepard Lane; thence along the southerly line of said Shepard Lane South 89°41'42" East 572.38 feet. thence SOUTH 333.45 feet to an existing fence line on the northerly line of the lands of Farr, as described in the QUIT-CLAIM DEED recorded as entry 383319, Book 520, at Page 888, Davis County Records, and shown on that certain Survey filed as Number 001898, Davis County Surveyor's Office; thence, along said fence line and said property line, South 89°43'17" East 395.96 feet to the TRUE POINT OF BEGINNING of this description; thence describing said parcel of land, South 89°43'17" East 59.35 feet to a point on the westerly right-of-way line of State Highway 89, from which a 2 1/2 inch iron pipe with brass cap, at Station 675+00 bears North 21°16'06" West 334.76 feet; thence along said westerly right-of-way line the following three (3) courses:

- 1) South 21°16'06" East 1680.99 feet;
- 2) South 18°24'06" East 933.67 feet to the beginning of a curve to the right, having a radius of 594.81 feet;
- 3) southwesterly, along the arc of said curve, a distance of 1326.29 feet to a point on the easterly right-of-way line of Interstate Highway 15; thence along said easterly right-of-way line the following nine (9) courses:

- 1) North 70°38'42" West 109.53 feet;
- 2) North 60°41'36" West 416.80 feet;
- 3) North 55°52'29" West 330.36 feet;
- 4) North 55°10'08" West 476.91 feet;
- 5) North 52°08'17" West 791.39 feet to the beginning of a curve to the right, having a radius of 22,798.31 feet;
- 6) northwesterly, along the arc of said curve, a distance of 99.99 feet to a 2 1/2 inch iron pipe with brass cap stamped Station 641+00, 120°RT.;

- 7) North 44°41'33" West 100.50 feet to a 2 1/2 inch iron pipe with brass cap stamped Station 642+00, 130°RT.;
- 8) North 50°20'35" West 623.13 feet to the beginning of a curve to the right, having a radius of 22,788.31 feet;

- 9) northwesterly, along the arc of said curve, a distance of 768.38 feet to the northwesterly line of that certain real property conveyed to The City of Farmington, by SPECIAL WARRANTY DEED, recorded as entry 998127, Book 1545, at Page 501, Davis

WETLANDS AREA  
(continued)

E 1401483 B 2285 P 40:

County Records; thence, along said property line, North 43°03'18" East 175.39 feet to an angle point in said property line; thence continue on said property line South 62°38'42" East 309.65 feet; thence continue on said property line South 49°59'42" East 289.57 feet to the southeasterly corner of said City of Farmington property; thence continue South 49°59'42" East 380.43 feet to the beginning of a curve to the left, having a radius of 350.00 feet; thence easterly and northerly, along the arc of said curve, an arc distance of 599.73 feet to the most westerly corner of Lot 344 of OAKRIDGE COUNTRY CLUB ESTATES, PLAT III; Thence along the boundary of said OAKRIDGE COUNTRY CLUB ESTATES, PLAT III the following eleven (11) courses:

- 1) South 37°38'33" East 110.39 feet;
- 2) South 02°03'34" West 88.75 feet;
- 3) South 01°12'59" East 136.92 feet;
- 4) South 19°42'31" East 100.00 feet;
- 5) South 00°25'10" West 70.00 feet;
- 6) South 38°29'12" East 77.10 feet;
- 7) South 00°25'10" West 95.00 feet;
- 8) South 89°34'52" East 202.69 feet to the easterly line of 60-foot wide 1100 West Street;
- 9) North 19°47'19" West, on said easterly line, 319.58 feet to the beginning of a curve to the right, having a radius of 25.00 feet;
- 10) northeasterly, along the arc of said curve, an arc distance of 48.40 feet to the south line of 60-foot wide 900 North Street;
- 11) South 88°52'30" East, on said south line, 102.71 feet to the easterly boundary of said OAKRIDGE COUNTRY CLUB ESTATES, PLAT III; thence South 21°15'51" East 357.98 feet to the northerly line of that certain real property conveyed to Max Kerr, being the first parcel of land described in the SPECIAL WARRANTY DEED recorded as entry 939968, Book 1435, at Page 443, Davis County Records; thence along the boundary of said parcel of land the following seven (7) courses:
  - 1) South 89°42'40" East 34.84 feet;
  - 2) South 19°47'39" East 276.83 feet;
  - 3) South 89°42'43" East 260.00 feet;
  - 4) South 00°17'17" West 252.036 feet;
  - 5) South 55°30'34" East 280.00 feet;
  - 6) North 34°29'26" East 73.914 feet;
  - 7) South 89°34'29" East 409.10 feet; thence, leaving said boundary of said parcel of land, South 89°34'29" East 178.60 feet to a point on the westerly line of the second parcel of land conveyed to Max Kerr by SPECIAL WARRANTY DEED recorded as entry 939968, Book 1435, at Page 443, Davis County Records; thence along the boundary of said lands of Max Kerr, NORTH 206.08 feet to the northwest corner thereof; thence along the north line of

WETLANDS AREA  
(continued)

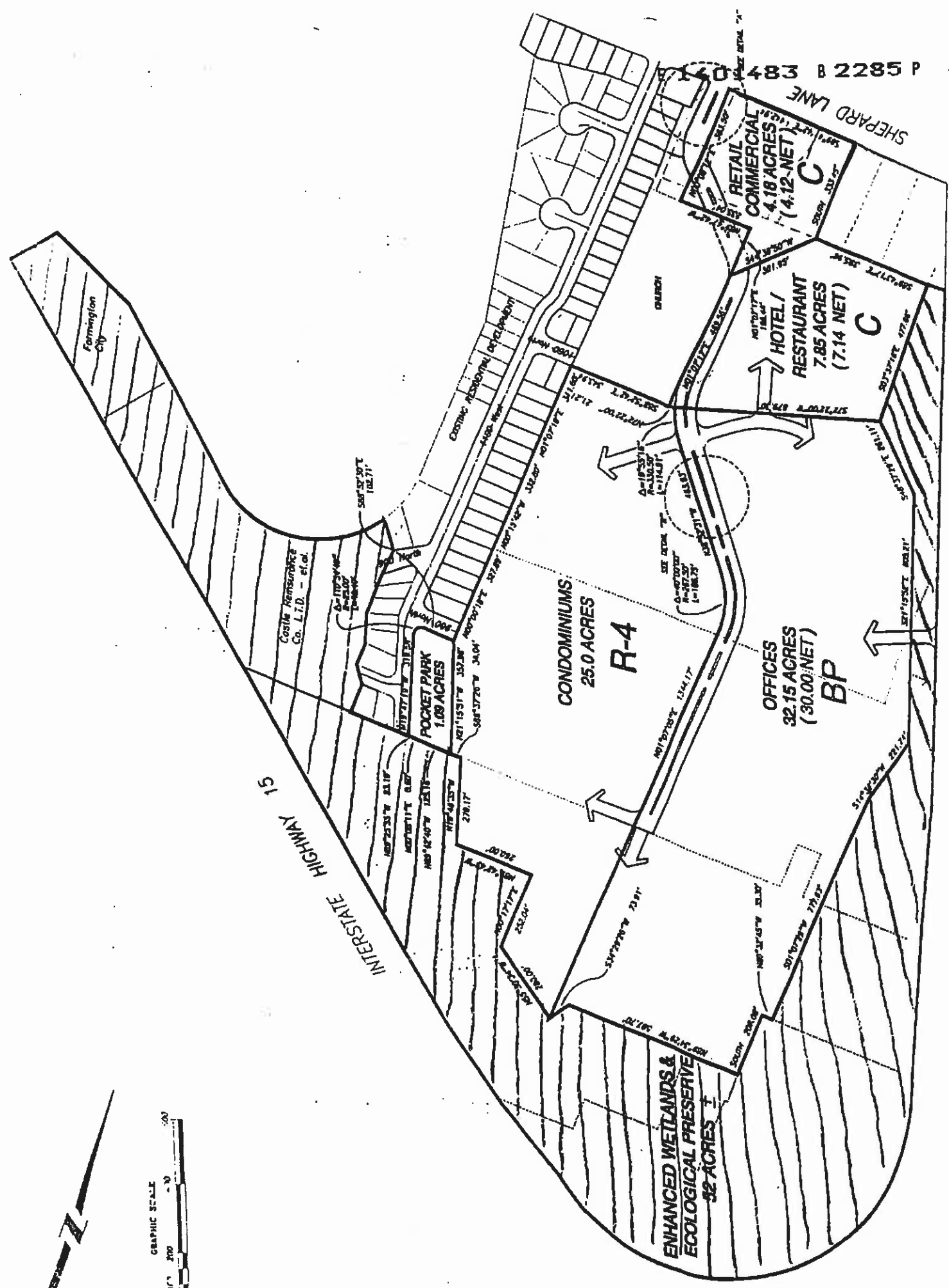
E 1401483 B 2285 P 404

last said Kerr parcel, South 89°32'45" East 35.30 feet; thence leaving said Kerr parcel, North 01°07'29" East 777.63 feet; thence North 14°34'30" East 221.74 feet; thence North 21°15'52" West 805.21 feet; thence North 48°37'29" West 261.11 feet; thence North 03°37'16" West 477.66 feet to the point of beginning.

containing 53.406 acres of land more or less.

Subject to existing rights-of-way and easements of record.

2S162700.SWL  
5/21/96



140 483 B 2285 P 405

SHEPARD LANE

RETAIL  
COMMERCIAL  
4.18 ACRES  
(4.12 NET)

HOTEL/  
RESTAURANT  
7.85 ACRES  
(7.14 NET)

CONDOMINIUMS  
25.0 ACRES  
R-4

OFFICES  
32.15 ACRES  
(30.00 NET)  
BP

POCKET PARK  
1.09 ACRES

ENHANCED WETLANDS &  
ECOLOGICAL PRESERVE  
32 ACRES

U.S. HIGHWAY 39

INTERSTATE HIGHWAY 15



GRAPHIC SCALE

Farmington  
City

Cosile Mensurake  
Co. L.T.D. - et al.

(DUPLICATE)  
**CERTIFICATE OF APPROPRIATION OF WATER**  
**STATE OF UTAH**

CERTIFICATE NO. 394.

APPLICATION NO. 4733.

GREAT SALT LAKE WATER DIVISION

Whereas, It has been made to appear to the satisfaction of the undersigned, State Engineer of the State of Utah, that the appropriation of water from S. P. F. A. R. E. C. I. S. E. K. in D. A. Y. L. A. S. County, made by P. T. A. L. S. A. N. D. E. R., 1912, been perfected in accordance with the application therefor, received in the office of the State Engineer on the 21st day of J. U. N. E., 1912, and recorded on page 386-388 in book M. A. S. 2 of the record of applications to appropriate water; wherefore, Be it known that I, W. D. B. E. R. S., State Engineer of the State of Utah, under and by authority and direction of the provisions of the Compiled Laws of Utah, 1907, as amended by Chapter 62 of the Session Laws of Utah, 1909, and Chapters 3 and 103 of the Session Laws of Utah, 1911, on "Water Rights and Irrigation," do hereby certify that the said P. T. A. L. S. A. N. D. E. R., of U. T. A. H. County, State of U. T. A. H. is entitled to the use of 1 cubic feet of water per second, subject to the following restrictions, to-wit:

The water is diverted from Spring Creek at a point which lies 4701 ft. north and 3750 ft. west of the northeast corner of the southeast quarter of Section 24, Township 3 North, Range 1 West, Salt Lake base and meridian. The diverting works consist of a ditch 68 ft. long, 10 ft. wide at top, and 6 ft. wide in the bottom, having an effective depth of 1 ft. The water is used from January 1 to December 31, inclusive, of each year, for fish culture purposes. After having been so used, 1 cubic foot of water per second is returned to the creek at a point which lies 4427 ft. north and 3600 ft. west of the east quarter corner of Section 24, Township 3 North, Range 1 West, Salt Lake base and meridian, and 3 cubic feet of water per second is returned to said creek at a point which lies 4130 ft. north and 3750 ft. west of the aforesaid corner.

The diverting works must be maintained in such condition as will prevent an unreasonable loss of water.

The date of the appropriation is June 21, 1912.

In witness whereof, I have hereunto set my hand and affixed the seal of my office this 21st day of June, 1912.  
W. D. B. E. R. S.  
STATE ENGINEER

## CITY COUNCIL AGENDA

For Council Meeting:  
February 5, 2019

**SUBJECT: Minute Motion Approving Summary Action List**

1. Approval of Minutes from January 22, 2019
2. Ordinance Amending Title 10-2-070 to Adopt the 2017 National Electrical Code
3. Estimate with Marsh Construction for Concrete for the City Hall Parking Lot Project
4. Resolution Amending the Consolidated Fee Schedule related to Baseball and Softball Fees

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



## **FARMINGTON CITY COUNCIL MEETING**

January 22, 2019

### **WORK SESSION:**

*Present: Mayor Jim Talbot; Councilmembers Rebecca Wayment, Alex Leeman, Brett Anderson, Doug Anderson, Cory Ritz; City Manager Shane Pace, Assistant City Manager Keith Johnson, City Economic Development Director Brigham Mellor, Community Development Director David Petersen, Deputy Recorder Heidi Bouck and Recording Secretary Brittney Whitecar*

### **Central Davis Sewer District**

Jill Jones, the General Manager of the sewer district detailed the annual statistics of waste processing at the plant. The plant services most of Farmington, Kaysville, and Fruit Heights. Jill explained the basic functions of the plant. The plant grows alfalfa and sells mulch seasonally.

Jill Jones alerted the City Council that because updates to the plant need to be made to meet the state mandated technology based effluency limit by 2020, a small monthly fee increase is in the near future for households that use the plant. This will implement a chemical addition to decrease the plant's outgoing phosphorus levels. According to a 2016 study, the cost for chemical addition will be just over \$500,000 per year.

### **Farmington City Parks and Recreation**

The Farmington City Parks and Recreation Department talked about structure of the baseball program, and discussed basketball and football issues. Prices for baseball will decrease \$5 per child this year because the City is no longer partnering with outside athletic organizations that promote A/B status teams. Players will be separated by age group only and not by skill level.

The season will end one week earlier in 2019 than in the past due to low participation in June when people tend to be out of town.

The intention for the basketball leagues is to sign players up by age and have different age groups play each other as necessary. Over 90 seventh graders were signed up in the 2018 season, whereas only 24 ninth graders signed up, so grade age leagues may need to be combined.

The City's football helmets need to be re-painted to match the new team colors, but most of them will be 10 years old and unusable in two years, so a budget for new helmets has been prepared.

### **Creekside Manor Subdivision Schematic Plan**

Jerry Preston and the councilmembers discussed the trail easement at the Creekside Manor Subdivision. Jerry said that the owners have agreed that the trail easement exist, but only should the city complete

the trail all the way to 500 S. Elite Craft Homes will complete the sidewalk along their property as the subdivision develops.

### **MISCELLANEOUS**

**Keith Johnson** detailed the road issues brought up in the January 8<sup>th</sup> City Council Meeting. The slurry seal and stripe will be added to the newly paved section of Station Parkway in the spring. Public Works will be putting up chevron reflective signs northbound on the Frontage Road entering Farmington to warn drivers of the change in road width.

**Cory Ritz** said the yield sign is gone in the roundabout on the Fairgrounds side of the road at 1100 W. & Clark Lane. The City will look into replacing the sign.

**Rebecca Wayment** said there are construction vehicles accessing the Mountain View Subdivision through 250 South. There is currently no access to the subdivision off 650 West, but 250 S. is not a large enough road to accommodate construction traffic per some concerned residents. Suggestions have been made to barricade 250 South until the water lines come through. **Shane Pace** said part of the confusion is that this project switched from Brighton Homes to Rainey Homes, so Rainey Homes hasn't been made aware of the issue. In a recent meeting, Shane told the builder to make the City aware when they need to use the 250 South access so that the City can tell the residents about temporary construction traffic at the site.

### **REGULAR SESSION**

*Present: Mayor Pro Temp Brett Anderson, Councilmembers Rebecca Wayment, Alex Leeman, Doug Anderson, Cory Ritz; City Manager Shane Pace, Assistant City Manager Keith Johnson, City Economic Development Director Brigham Mellor, Community Development Director David Petersen, Deputy Recorder Heidi Bouck, and Recording Secretary Brittney Whitecar.*

*Mayor Talbot was excused.*

### **CALL TO ORDER**

Brett Anderson called the meeting to order at 7:00 p.m.

### **Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

The invocation was offered by Alex Leeman. The flag was temporary removed from the chambers, so no Pledge of Allegiance was conducted.

## **NEW BUSINESS**

A resolution proclaiming Monday, January 21, 2019 as Martin Luther King Jr. Day was read by **Mayor Pro Temp Brett Anderson**.

**Alex Leeman** made a motion to approve the resolution proclaiming Martin Luther King Jr. Day. **Doug Anderson** seconded the motion, which was unanimously approved.

## **Amendment to Chapter 8 Section 8.060 of the City Personnel Policies relating to Overtime for Full Time Fire Personnel Working 24 Hour Shifts**

**Keith Johnson** explained that the amendment clearly defines what is overtime for full time fire personnel working 24 hours shifts.

**Cory Ritz** made a motion to approve the Resolution to amend Chapter 8 Section 8.060 of the Personnel Policies and Procedures relating to overtime for full time fire personnel working 24-hour shifts. **Alex Leeman** seconded the motion, which was unanimously approved

## **SUMMARY ACTION**

1. Approval of Minutes from December 18, 2018
2. Approval of Minutes from January 9, 2019
3. Appointment of the City Council Members to Various Committees
4. Eastridge Estates Ph. 3 Subdivision Improvements Agreement
5. Ratification of Pedestrian and Bicycle Access Easement for Rock Mill Estates

**Rebecca Wayment** made a motion to approve summary action items 1 through 5 as contained in the staff report. **Doug Anderson** seconded the motion, which was unanimously approved.

## **OLD BUSINESS**

### **Schematic Subdivision Creekside Manor**

**Dave Petersen** reviewed the staff report and showed the modified schematic plan. Dave explained the plan for a creek trail to line the edges of the subdivision via an easement.

In order to get eight (8) lots on the property the developer must provide open space, provide a fee in lieu, or do a TDR – which is the current direction the developer is taking.

**Shane Pace** said either the City or the developer will obtain property on the West side of the subdivision for the trail. The goal is to connect the trail to 500 South.

**Rebecca Wayment** clarified that currently, the City Council is to approve the schematic plan, including some of the trail, assuming the rest will come in to place as the project progresses. There are many factors, like investors and geotech reports, which could change or stop this proposal.

**Doug Anderson** made a motion to approve the modified Schematic plan for the Creekside Manor Conservation Subdivision and a waiver (as set forth in Section 11-12-065 of the Zoning Ordinance) of the required conservation land dedication subject to all applicable Farmington City ordinances and development standards and including conditions 1-5 and findings 1-5. **Cory Ritz** seconded the motion, which was unanimously approved.

#### Conditions

1. The City must receive a trail easement along a portion of the northwest boundary of the subdivision on the east side of the creek, as shown on the schematic plan, and a fee in lieu of the conservation land dedication- both as necessary to obtain additional lots in excess of the number of lots set forth in a yield plan. The City must approve both the fee and yield plan pursuant to Sections 11-12-068 and 11-12-070 of the Zoning Ordinance. The City shall use this payment to purchase fee title property and/or trail easement(s) on the West side of the Creek, or the east side outside the boundaries of the subdivision if necessary, from owners who are open to receiving offers. The City shall continue to work on finishing the trail in coming months and years as the possibility of more land (or easements) are made by remaining owners in the future.
2. The City shall improve and/or cause the improvement of a wide sidewalk on 500 South including the dedication of an additional 8 feet of right-of-way as per the City's Master Transportation Plan, on the North side of the street as an alternative option until a trail can be built along the creek in the future. Most of this will be done by development and/or paid through transportation impact fees.
3. The developer shall meet and satisfy the requirements of the City's DRC (Development Review Committee) including, but not limited to, that the applicant must determine if the "downstream storm drain has capacity to discharge un-detained" – if not, detention shall be required.
4. Parts of lots 6, 7, and 8 encroach into the FEMA flood plain; the applicant must obtain CLOMR (Conditional Letter of Map Revision) and then a LOMR (Letter of Map Revision) from FEMA before the City can issue and building permits regarding these lots.
5. The developer shall obtain a Flood Control Permit from the Davis County Public Works department and implement the conditions related thereto.

#### Findings for Approval

1. The waiver, easement, and fee in lieu of conservation land dedication is warranted because it will result in a very critical connection of the Farmington Creek Trail consistent with the City's Trails Master Plan. The trail is perhaps the City's most significant east/west trail. It crosses (or goes under) major infrastructure impediments such as SR 106, I-15 and Legacy Parkway, and it links four north to south trails of regional significance including the Bonneville Shoreline Trail, the Legacy Parkway Trail, the D&RGW Trail, and the future WDC Trail, and at the same time the Farmington Creek Trail provides access to some of the major destinations in the community, including, among others, National Forest Service lands, Farmington Pond, Lagoon, Station Park, the City's Regional Park, Davis County Fairgrounds, and the Bird Refuge. There really is no other trail quite like the Farmington Creek Trail.

Moreover, the waiver regarding the fee in lieu meets standards set forth for such, including but not limited to:

- a. The Subdivision shall be located within a half mile of an existing public park located within the Farmington City limits. This distance shall be determined by the actual walking distance from the subdivision to the park. In the case the subdivision is less than 150 feet walking distance from the City Regional Park.
  - b. A waiver shall not result in lots or building setbacks smaller than the minimum lot size.
  - c. All subdivision standards regarding dead end street length, ingress and egress, and block dimensions shall be met.
  - d. No waiver shall result in the creation of additional lots or a flag lot.
  - e. With only 8 lots in the Subdivision, the economics of scale do not exist to create 1.5+ acres of usable open space as a private or public use.
2. The schematic plan, and recommended motion for approval, is consistent with the City's General Plan and the City's Trails Master Plan (an element of the General Plan), and the WFRRC 2040 Regional Transportation Plan.
  3. The DRC recommends approval of the application, including the trail which is strongly supported by the City's Parks and Recreation and Public Works departments.
  4. A portion of the subdivision is located within the FEMA floodplain, and by law, the City must follow FEMA standards.
  5. The development abuts Farmington Creek as per inter-local agreement, the City must require that the developer obtain a flood control permit from Davis County. Furthermore, such permits increase safety and mitigate loss of property, especially during times of flooding, for the City's property owners and residents.

## **GOVERNING BODY REPORTS**

### **City Manager Report**

1. Building Activity Report for December 2018

**Shane Pace** spoke regarding the signatures received by citizens associated with broadcasting City Council Meetings. Shane said there is a small group that is very interested in having the City Council meetings available online. He said this could cost upwards of \$20,000 and proposed that is be discussed in the upcoming budget meeting.

**Brett Anderson** asked if we could obtain some bids for both visual and audio feed. **Shane Pace** said getting bids is possible and it can be discussed in the upcoming budget process.

**Alex Leeman** asked that we discuss live vs delayed and more accessible recordings of the meetings at the time the budget is discussed.

**City Council Reports**

**Councilmember Rebecca Wayment**

Brought up the 250 S. street access for the Mountain View Subdivision. The developer recently switched from Brighton to Rainey Homes. Construction vehicles are accessing the development off 250 South, which cannot handle heavy traffic. Staff and the developer had a discussion in which the city will work with the contractor to grant limited access until 650 west is available. Rainey Homes needs to get a SWPP permit before they can access 650 west.

**Shane Pace** said that access though 250 S. will be necessary when putting in water lines but the main access will be from 650 west when available.

**Rebecca Wayment** expressed concern that the Legacy trailhead damage is due to the construction vehicles and will need repair.

**Councilmember Doug Anderson**

No updates to report.

**Councilmember Cory Ritz**

No updates to report.

**Councilmember Alex Leeman**

Brought up the streaming/live audio issue. He suggested it is listed as an agenda item on the night it is discussed in City Council so the public is aware and may come to the meeting if interested.

**ADJOURNMENT**

**Motion:**

At 7:30 p.m., **Doug Anderson** made the motion to adjourn the meeting.

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**Heidi Bouck**, Deputy Recorder





# FARMINGTON CITY

H. JAMES TALBOT  
MAYOR  
BRETT ANDERSON  
DOUG ANDERSON  
ALEX LEEMAN  
CORY RITZ  
REBECCA WAYMENT  
CITY COUNCIL  
SHANE PACE  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council  
From: Eric Miller, Building Official  
Date: January 24, 2019  
SUBJECT: **AMEND TITLE 10-2-070 OF CITY CODE TO ADOPT THE 2017 NATIONAL ELECTRICAL CODE**

### RECOMMENDATION

Approve the enclosed ordinance amending Title 10-2-070 of City Code for the adoption of the National Electrical Code (NEC) 2017 Edition, issued by the National Fire Protection Association as amended and adopted by the State of Utah.

### BACKGROUND

The State Legislature met this last year to discuss House Bill 32. This bill was to update and change to the 2017 National Electrical Code. By adopting this new legislation will bring Farmington's Construction Codes into compliance with the State Law that will take effect on July 1, 2018. Please see attached ordinance.

Respectfully Submitted,

Eric Miller  
Building Official

Review and Concur

Shane Pace  
City Manager

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF FARMINGTON CITY  
AMENDING SECTION 10-2-070 OF THE MUNICIPAL CODE OF THE  
CITY REGARDING THE UNIFORM ELECTRICAL CODE**

**WHEREAS**, the State Legislature, from time to time, adopts new updates and amendments to the Uniform Construction Codes recognized by the State and applicable to construction in cities of the State; and

**WHEREAS**, the City Council desires to update and amend Section 10-2-070 of the Farmington City Municipal Code to update the reference to the electrical code applicable to construction within the City;

**NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS:

**Section 1: Amendment.** Section 10-2-070 of the Farmington City Municipal Code, regarding the uniform electrical code, is hereby amended to read in its entirety as follows:

The National Electrical Code (NEC), 2017 Edition, issued by the Nation Fire Protection Association as amended and adopted by the State of Utah, is hereby adopted and incorporated herein by reference as the electrical code of Farmington City.

**Section 2: Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 3: Effective Date.** The provisions of this Ordinance shall become effective thirty (30) days after publication and/or posting of the Ordinance or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY,  
STATE OF UTAH, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

**FARMINGTON CITY**

By: \_\_\_\_\_  
Mayor H. James Talbot

**ATTEST:**

\_\_\_\_\_  
Holly Gadd, City Recorder



# FARMINGTON CITY

J. JAMES TALBOT  
CITY CLERK  
BRETT ANDERSON  
DOUG ANDERSON  
ALEX LEEHAN  
CORY RITZ  
REBECCA WAYMENT  
CITY COUNCIL  
SHANE PACE  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: Chad Boshell, City Engineer

Date: February 5, 2019

SUBJECT: **CONSIDER APPROVAL OF MARSH CONSTRUCTION FOR THE CONSTRUCTION OF THE CONCRETE FOR THE CITY HALL PARKING LOT PROJECT**

### RECOMMENDATION

Approve the estimate / contract from Marsh Construction for the construction of concrete for the City Hall Parking Lot Project in the amount of \$28,295.03.

### BACKGROUND

The City received 2 bids for the City Hall Parking Lot Project and will begin construction this spring when weather permits. The project includes the construction a driveway and parking lot expansion on the north side of City Hall. City staff recommends awarding Marsh Construction the project. Attached is the estimate / contract between the City and the Contractor to do the work.

### SUPPLEMENTAL INFORMATION

1. Estimate

Respectively Submitted

Chad Boshell  
City Engineer

Reviewed and Concur

Shane Pace  
City Manager

**MARSH CONSTRUCTION**

325 East 2000 North  
 North Ogden, UT 84414  
 782-7798 Fax 786-8676

**Estimate**

DATE	ESTIMATE #
1-3-2019	202145

NAME / ADDRESS
Farmington City     

**PROJECT**

Farmington City Hall

DESCRIPTION	QTY	COST	TOTAL
CURB AND GUTTER PER FT	305	26.65	8,128.25
MONOLITHIC VERTICAL EDGE PER FT	168	19.83	3,331.44
6" SIDE WALK PER SF	1,353	6.47	8,753.91
WATERWAY PER SF	149	13.50	2,011.50
6" CONCRETE PAVING AND CROSS WALK PER SF	519	6.47	3,357.93
HANDICAP RAMP EACH	3	800.00	2,400.00
INSTALL 24" TROUGH PER FT	6	52.00	312.00
QUANTITIES ARE ESTIMATES ONLY TO BE MEASURED AND BILLED UPON COMPLETION ALL ROAD BASE TO BE SUPPLIED PLACED AND COMPACTED BY OTHERS ALL TESTING NEEDED BY OTHERS PRICE DOES NOT INCLUDE ANY COLD WEATHER CONDITIONS			
<b>TOTAL</b>			<b>528,295.03</b>

SIGNATURE \_\_\_\_\_



# FARMINGTON CITY

H. JAMES TALBOT  
MAYOR

BRETT ANDERSON  
DOUG ANDERSON  
ALEX LEEMAN  
CORY RITZ  
REBECCA WAYMENT  
CITY COUNCIL

SHANE PACE  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: Neil Miller, Parks and Recreation Director, Bryan White, Recreation Supervisor

Date: January 14, 2019

SUBJECT: Changes to Recreation baseball program and cost for recreation baseball and softball

### RECOMMENDATION

Farmington City Parks and Recreation have decided to leave the Pony League affiliation. Farmington City will run the baseball season as grade-based divisions. Farmington City and Farmington Area Baseball League will combine with local baseball leagues (Centerville and West Bountiful) to provide All Stars for the Farmington City's residents. Farmington Area Baseball League will still manage the Snack Shack at Forbush Park and rent fields from Farmington City for postseason tournaments. Without the Pony League fee, the cost will be less to run the program. As a result, the city can lower the fees for some of the age groups. See chart below.

### BACKGROUND

Farmington City has played in the Pony League for the past three years. The Pony League provided league structure and rules for regular season. The Pony League also provided a chance for All Star teams to play in a state tournament. The surrounding leagues have left Pony League – Kaysville (2016), Centerville and West Bountiful (2019). With these other leagues leaving, Pony League Baseball will not be in Davis County going forward. Without the Pony League, Farmington City will be able to decide what is best for the residents of Farmington when it comes to playing baseball.

Respectfully Submitted

Neil Miller

Parks and Recreation Director

Review and Concur

Keith Johnson

Assistant City Manager

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE FARMINGTON CITY COUNCIL AMENDING THE  
CONSOLIDATED FEE SCHEDULE RELATED TO BASEBALL AND  
SOFTBALL FEES**

**WHEREAS**, the City Council has reviewed the Consolidated Fee Schedule and has determined that the same should be amended as provided herein; and

**WHEREAS**, the City Council, upon recommendation from the City's Administrative staff, has determined that amendment of the consolidated fee schedule is necessary to reduce some of the fees for baseball and softball.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
FARMINGTON CITY, STATE OF UTAH:**

**Section 1. Amendment.** The Farmington City Consolidated Fee Schedule is hereby amended to include the adjustment of fees for baseball and softball. See exhibit "A" attached.

**Section 2. Severability.** If any section, clause or provision of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY,  
STATE OF UTAH, ON THIS 5<sup>TH</sup> DAY OF FEBRUARY, 2019.**

**FARMINGTON CITY**

ATTEST:

\_\_\_\_\_  
Holly Gadd  
City Recorder

By: \_\_\_\_\_  
H. James Talbot  
Mayor



Baseball	Season	2018	2019 Res	2019 Non Res
Tball (4 yrs.)	6-8 Games	\$40	\$40	\$55
Coach Pitch (5 yrs)	6-8 Games	\$40	\$40	\$55
Kindergarten	6-8 Games	\$45	\$40	\$55
1st	6-8 games Single elimination Tournament	\$50	\$45	\$60
2nd	6-8 games Single elimination Tournament	\$50	\$45	\$60
3rd	8-10 games Single elimination Tournament	\$65	\$60	\$75
4th	8-10 games Single elimination Tournament	\$65	\$60	\$75
5th-6th	10-12 games Single elimination tournament	\$80	\$75	\$90
Jr High	10-12 games Single elimination tournament	\$110	\$100	\$115
High School	10-12 games Single elimination tournament	\$110	\$100	\$115
Softball		2018	2019 Res	2019 Non Res
U6 Coach Pitch	8 games	\$40	\$40	\$55
U8 Machine Pitch	8 games	\$50	\$50	\$65
U10 Kid Pitch	8 games Single elimination Tournament	\$55	\$55	\$70
U12 Fast Pitch	8 games Single elimination Tournament	\$65	\$65	\$80
Jr High Softball	8 games Single elimination Tournament	\$65	\$65	\$80
High School	8 games Single elimination Tournament	\$65	\$65	\$80

CITY COUNCIL AGENDA

For Council Meeting:  
February 5, 2019

**S U B J E C T: City Manager Report**

1. Fire Monthly Activity Report for December

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



# Farmington City Fire Department

## Monthly Activity Report



December 2018



### Emergency Services

**Fire / Rescue Related Calls:**

**25**

*All Fires, Rescues, Haz-Mat, Vehicle Accidents, CO Calls, Brush Fires, EMS Scene Support, False Alarms, etc.*

**Ambulance / EMS Related Calls:**

**79 / Transported 41 (58%)**

*Medicals, Traumatic Incidents, Transfers, CO Calls w/ Symptomatic Patients, Medical Alarms, etc.*

**Calls Missed / Unable to Adequately Staff:**

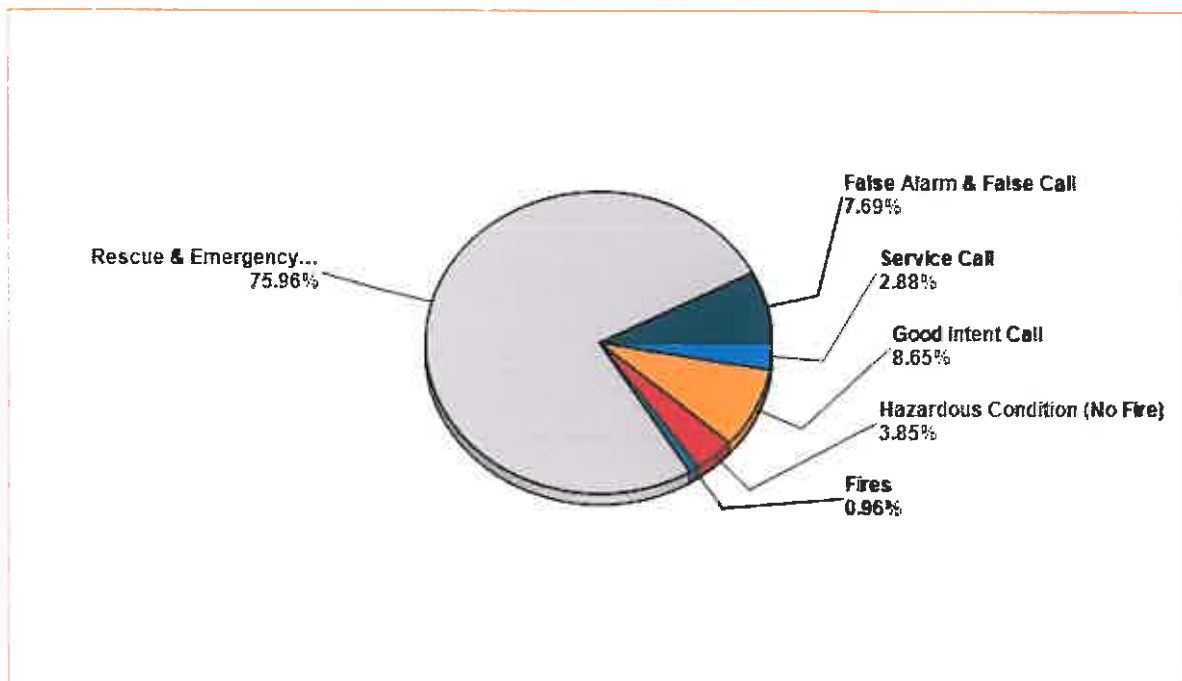
**4 (4%)**

**96 YTD (7.5%)**

**Overlapping Calls:**

**20 (19.23%)**

**241 YTD (18.7%)**



### On-Duty Crew / Shift Dynamic Data / December 1<sup>st</sup> – 31<sup>st</sup>

**Emergent Incident / On-Scene Hours / Month Total:** 31.2 Hrs. (Approximate 124 Man Hours)

**EMS Transport / Turn-Around Hours / Month Total:** 41 Hrs. (Approximate 82 Man Hours)

**Urgent EMS Related Response Times (average):** 5.18 Min/Sec GOAL 5 minutes or less (+.18)

**Urgent Fire Related Response Times (average):** 5:50 Min/Sec GOAL 5 minutes or less (+.50)

**Part-Time Man-Hours** *(based on the following 24-day / pay periods December 7<sup>th</sup> and 21<sup>st</sup>)*

Part-Time Shift Coverage / Staffing:	1,280	Budgeted 1,344	Variance + 64
Training & Drill Hours:	129	660.0 (FY19)	
Emergency Calls/ Station Staffing:	25.5	<b>FIRE 13.0 Hrs. / EMS12.5 Hrs.</b> 286.0 (FY19)	
Special Event Hours:	0	6 (FY19)	
Part-Time Fire Marshal:	50.5	Budgeted 80	Variance – 29.5
Part-Time Fire Inspector	18.0	Budgeted 60	Variance – 42.0
Full-Time Fire Chief:	N/A	Salary Exempt	Overtime N/A
Full-Time Administrative Asst. x 1	N/A	40 Hour Reg.	Overtime + 2
Full-Time Captains & Engineers x 6	N/A	48/96 Hour Rotation	*Overtime +140
Total PT Staffing Hours:	1,503	9,771.5 (FY19)	

*\*Overtime hours due to shift staffing needs during holidays and training requirements.*

**Monthly Revenues & Grant Activity YTD**

**Ambulance Revenue Report / November 2018:**

	Month	Calendar Year	FY 2019
Ambulance Services Billed	\$68,970.51	\$800,570.87	\$370,097.67
Ambulance Billing Collected	\$43,289.91	\$470,511.28	\$247,936.94
<b><i>Variances:</i></b>	<b><i>\$25,680.60</i></b>	<b><i>\$330,059.59</i></b>	<b><i>\$122,160.73</i></b>
Collection Percentages	63%	59%	67%

**Grants / Assistance / Donations Applied for in October:**

*None* **\$0** **\$369,500 YTD**

**Grants / Funds Received / Donations / Awarded:**

*None* **\$0** **\$27,400 YTD**

**Department Training & Man Hours**

Monthly Staff Meeting & Leadership Training	15	
Shift Drill #1 – FIRE – Foam	24	
Shift Drill #2 – EMS – Cold Weather Ops	24	
Shift Drill #3 – FIRE – Wellness & Fitness	24	
Shift Drill #4 – EMS – Search Ops	24	
Shift Drill #5 – FIRE – Medication Errors	24	
USAR Training x 2	16	
<b>Training / Actual Hours Attended:</b>	<b>151</b>	<b>2469 HRS YTD</b>

### **Fire Prevention & Inspection Activities**

	<b>QTY</b>	
New Business Inspections:	-	
Existing Business Inspections:	-	
Re-Inspections:	-	
Fire Plan Reviews & Related:	-	
Consultations & Construction Meetings:	-	
Station Tours & Public Education Sessions:	12	230 YTD

### **Health, Wellness & Safety Activities**

	<b>QTY</b>	
Reportable Injuries:	0	0 YTD
Physical Fitness / Gym Membership Participation %:	100%	
Chaplaincy Events:	4	28 YTD

### **FFD Committees & Process Improvement Activities:**

Process Improvement Program (PIP) Submittals:	3	7 YTD
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### **Monthly Activity Narrative:**

*An unusually calm month of December compared to past trends as the weather remained very mild with only a couple of noticeable winter storms. Moderate temperatures also played a part in limited number of fires. Emergent response times averaged just over 5 minutes for both Fire and EMS responses. December activities included medical responses, vehicle rescues, CO emergencies, downed power lines, gas leaks and several community support events to include: Breakfast with Santa (Harmons), representing at multiple charity events, and donating several bicycles to children in need (partnership with Best Buy).*

*Four percent of calls resulted in "no-staffing" or "short-staffing" of apparatus (on-duty crew attending to other calls and/or part-time staffing not available due to lack of availability). This percentage was attributed (in part) by crews attending to twenty overlapping calls which overwhelms our existing staffing model. 58% of all Ambulance calls resulted in transporting patients to local hospitals. Transport revenues continue with little predictability due to collection & mandated billing variables. Overtime hours applied to fulltime staff in an effort to achieve four-handed staffing throughout shopping weekends and holiday dates. Our part-time workforce struggled to cover shifts as many of them had vacation plans or work obligations with their full-time jobs.*

*FFD completed the final inspection of the new "Safety Concept" Ambulance in Washington and drove it back to Farmington without incident. This "Demo" unit (with full warranties) was approved earlier this year with an approximate savings of 17K. Once stocked and inspected by the Utah Bureau of Emergency Medical Services, this unit will be placed into service early January. Department training encompassed a variety of Fire & EMS topics to include: Monthly Officer & Leadership Training, Cold Weather Ops, Wellness & Fitness, Search Ops, Medication Administration and USAR skills training. FFD had a chance to recognize various employees for outstanding performance and service at the annual Farmington Firefighters Association Christmas Party. **Congratulations Team FFD!***

*Please feel free to contact myself at your convenience with questions, comments or concerns:  
Office (801) 939-9260 or email [gsmith@farmington.utah.gov](mailto:gsmith@farmington.utah.gov)*

Guido Smith  
Fire Chief

## **FFD 2018 Citations**

### ***Firefighter of the Year:***

Firefighter Cameron McKinnon

### ***EMS Provider of the Year:***

Engineer Brandon Supinger

### ***Fire Engineer of the Year:***

Engineer Jason Hastings

### ***Fire Officer of the Year:***

Captain Chris Winter

## **Platoon Citations**

### ***Fitness Citation:***

Alpha Platoon (Aces)

### ***Training Citation:***

Bravo Platoon (Sheepdogs)

### ***Shift Participation Citation:***

Bravo Platoon (Sheepdogs)

### ***Station Staffing Citation:***

Charlie Platoon (Gladiators)





## **FFD 2018**

### **Service Recognitions**

#### ***Retirements:***

Part-Time Engineer Kori Taylor

(29 Years with FFD)

Part-Time Engineer Kris Simmons

(23 Years with FFD)

Part-Time Firefighter Denise Vickers

(7 Years with FFD / 30 Years Total)

#### ***20 Year Service Recipient:***

Specialist Bryan Thurgood

#### ***5 Year Service Recipients:***

Admin. Asst. III Mandice Stokes

Engineer David Olson

Engineer James Call



CITY COUNCIL AGENDA

For Council Meeting:  
February 5, 2019

**S U B J E C T: Mayor Talbot & City Council Reports**

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.